US STRATEGY TO COUNTER DOMESTIC POLITICAL TERRORISM

JAMES B. MOTLEY

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by

Colonel James B. Motley, USA
Senior Research Fellow
Research Directorate

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FOREWORD

Ours has been called the age of terrorism—and with cause. Terrorism has become pervasive as diverse groups appropriate the world's stage to act out grievances and dramatize causes. The abatement of such violence worldwide is not predictable until there is an international consensus or even an agreed definition of terrorism. Indeed, the threat of its increase in open societies such as the United States is all too real.

Should major acts of political terrorism increase in the United States, how well prepared are we to crisis-manage such destabilizing events? Not very, argues Colonel James B. Motley, US Army, in this analysis of US policy, strategy, and organization for combatting domestic terrorist activity. His suggestions for improving the domestic antiterrorism program are pragmatic, reflecting an appreciation of our governmental system and its constraints.

Until the United States achieves its long-sought goal of an international regime committed to condemning and containing terrorist stratagems, the United States must be optimally prepared to deal with a large US terrorist event, which we have so far been spared. This study by an NDU Senior Research Fellow thus fills a lacuna in the general literature on terrorism by limiting its focus to the domestic terrorist challenge to the United States, and by assessing the US program for resoonding to it. As with all of our NDU research, this study is aimed at providing ideas to policymakers and to an international community concerned about national and international security.

JOHN S. PUSTAY
Lieutenant General, USAF
President, National
Defense University

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THE AUTHOR

Colonel James B. Motley, USA, earned a B.A. degree in Political Science from the Citadel, an M.A. degree in International Relations from Florida State University, and a Ph.D. degree in World Politics from the Catholic University of America. He has a diverse infantry command background, having served in Okinawa, Vietnam, Germany, and the United States. Political-military staff assignments include service in the Office of the Secretary of Defense, with the Joint Chiefs of Staff, and on the Department of Army Staff.

Colonel Motley graduated from the National War College in June 1981. While at the War College, he was a Senior Research Fellow in the National Defense University Research Directorate, where he completed the research for this study. His previous publications include "International Terrorism: A New Mode of Warfare," *International Security Review*, Spring 1981, and numerous articles and book reviews in various military journals.

Colonel Motley is currently a Senior Fellow with The Atlantic Council of the United States, where he is engaged in research in the area of arms control.

EXECUTIVE SUMMARY

In comparison with Western Europe, the United States has had relatively few major politically motivated terrorist incidents. Perhaps this has led to governmental and public apathy about the terrorist threat. Yet contemporary terrorism is a global problem and the potential exists for its further increase in the United States by foreign terrorists. The question this raises is: How well prepared is the United States to deter or crisis-manage terrorist incidents?

The US government antiterrorist program capitalizes on existing organizational structures and capabilities of federal agencies to combat terrorism. The program has four basic components at the operational level: prevention, deterrence, prediction, and reaction. Organizationally, no single department, agency, or office in the US government has total responsibility for combatting terrorism. Because a single act of terrorism may cut across several governmental jurisdictions and bureaucratic domains, making coordination difficult and time-consuming, it is questionable whether the current organization is structured to handle terrorist incidents successfully.

Policy in support of the US antiterrorist program makes clear US determination to combat terrorism; the heart of that policy is the commitment to oppose terrorist blackmail. It has been charged, however, that US policy is only declaratory, that the United States does not have a stable core of professionals who are sufficiently familiar with the dynamics of terrorism or the organization capable of carrying out a serious antiterrorist policy.

Current US antiterrorism strategy is reactive. Policymakers need to direct their strategic thinking to convincing potential terrorists that acts of violence will be unsuccessful, and to establishing countermeasures whereby the government will

be in control of events rather than the terrorists. Further, for strategy to take the initiative it must have a source of sound counterterrorist intelligence.

Although intelligence is the first line of defense in combatting and deterring political terrorism, the internal American security system has been severely weakened by executive and congressional actions taken in the 1970s. Department of Justice guidelines prohibit FBI investigations of subversive groups unless violence is actual or imminent. The amended Freedom of Information Act (FOIA) and the Privacy Act have opened previously closed intelligence security files to the public and prohibited the government from keeping records on revolutionary and subversive groups. The Foreign Intelligence Surveillance Act (FISA) prohibits surveillance of most foreigners visiting the United States and requires intelligence agencies to destroy at once all electronic intercepts not obviously related to a violation of law. The coordination of information which could significantly link intelligence findings has thus been curtailed. Given the current constraints and limits on the intelligence community, political terrorists have great latitude to operate in the United States.

A critical appraisal of US policy, strategy, and bureaucratic organization to deal with terrorism indicates an urgent need for a detailed government-wide policy review of the US antiterrorist program. The program, to be cohesive and effective, requires centralized direction, formal interagency planning and management at the federal level, and clear lines of responsibility and authority. State and local authorities must be a part of this interagency network. The following are offered as measures that would strengthen the US ability to combat and deter future acts of domestic political terrorism:

—Organization. Create a small permanent staff in the Executive Office of the President to oversee the US antiterrorism program. Develop interdepartmental antiterrorism program planning and analysis, and response capabilities, in the Departments of State, Defense, Jus-

tice, Treasury, Transportation, and other appropriate departments, the CIA, and the FBI.

—Intelligence. Rescind those portions of Executive Order 12036 restricting intelligence functions. Exempt intelligence agencies from the amended Freedom of Information Act and the Privacy Act. Modify FBI investigative restrictions. Reassess the limitations imposed by the Foreign Intelligence Surveillance Act. Establish a central counterintelligence file.

—Law Enforcement. Exempt law-enforcement agencies from the amended Freedom of Information Act. Intensify counterterrorist training at all levels of government. Create joint federal and state counterterrorist task forces. Resist attempts to reduce the counterterrorist investigative arm of the FBI.

—Public Affairs. Initiate a program to increase public awareness of the potential terrorist threat, the fact that terrorist incidents are occurring, and the domestic implications thereof. Establish a code of conduct to guide the relationship of the news media and law-enforcement authorities during a serious act of terrorism.

The material presented in this study provides a road map for further examination of a highly complex and volatile phenomenon which in time may affect the security of the United States.

To ██████████████████████████ whose patience, under-
standing, and support made this study possible.

SCENARIO: IT CAN'T HAPPEN HERE?

Let's say it's 4 July a year from now. The people of a small city in Nebraska are celebrating another anniversary of the independence of the United States of America. A special event of the day is the twelve noon ribbon-cutting by the governor to open the recently constructed Toyota automobile plant situated at the northeast corner of town. This event has been widely publicized for the past month. The governor will be joined by a number of dignitaries: the US ambassador to Japan and his wife, who are vacationing in the state; a group of Japanese businessmen who were influential in the Toyota plant negotiations; one of the state's United States senators and his wife; the commanding general of the nearby US Air Force base; and the town mayor, his wife, and their two children.

To accommodate the tourists, the Chamber of Commerce has placed information booths in the parking lot adjacent to the Toyota plant, and local auxiliary organizations have set up hot-dog stands, beer concessions, and a number of bleachers to handle the expected large turnout. While the high-school band is playing "Stars and Stripes Forever," the youngsters on hand are having fun with free balloons and noisemakers, and the town's Little League baseball champions are playing a Japanese team across the street, a welcome diversion for some prior to the ribbon-cutting ceremony. The local US Army National Guard infantry company is holding open house at the armory, half a mile away. Local TV station mobile news teams have equipment covering all these gala events. Attracted by the governor's appearance, a number of out-of-town reporters are on hand to provide statewide news coverage. Four members of the US Army Golden

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Knights are preparing for their parachute jump, which will immediately precede the noon ribbon-cutting ceremony. Traffic control at the plant area is under the watchful supervision of three local policemen.

A circus atmosphere prevails on this warm, sunny day, typical of Fourth of July celebrations in many a small town throughout the United States. This is the "American way of life." It is all too easy to forget that such a setting is a high security risk.

HIGH NOON: AN ACT OF POLITICAL VIOLENCE

The VIPs take their seats on the makeshift rostrum, covered with red, white, and blue bunting. The local Baptist minister delivers his invocation. The master of ceremonies announces that the Golden Knights have just skydived from their aircraft. All eyes turn skyward to see the parachutes open, and the four chutists ignite colored smoke, which trails each as he maneuvers a brightly hued parachute toward the landing zone near the speakers' stand. No one has noticed a tan 1971 Volkswagen van as it enters the parking lot. As the first two jumpers hit their jump target and the crowd applauds, the van moves toward the center of the VIP platform. From its open side door emerge six men and two women wearing black jumpsuits and ski masks; carrying submachine guns and assault rifles and wearing knapsacks, the group moves toward the VIPs. One member of the group positions himself in front of the US ambassador and his wife; two men brandishing automatic weapons demand, in fluent Japanese, that the Japanese delegation place their hands on top of their heads. Another terrorist holds the senator and his wife at gunpoint, while one male and one female terrorist confront the mayor, his family, and the general. The two remaining terrorists place themselves at opposite ends of the VIP platform, training weapons to cover anyone who might move toward them.

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Assuming that the terrorists are fanatical Japanese committed to killing them, two of the Japanese businessmen jump from the stage and run toward the new plant, but are cut down by a single burst of submachine gun fire before reaching cover. The Chief of the State Highway Patrol, escorting the governor, draws his .357 Magnum and fires one shot point-blank at the nearest terrorist. One of the female terrorists instantly fires four bullets into the chief's chest; he falls across a chair, dead. The governor's wife faints, her face striking the speaker's rostrum as she falls, bloodying her mouth. The governor bends to aid her. One of the Golden Knights, running to the VIP stage to hand the governor the scissors for the ribbon-cutting, twists, clutches his stomach, looks up with an expression of amazement, then settles to his knees, seriously wounded.

A shrill whistle blast signals the terrorist group to withdraw with its hostages to the entrance of the Toyota plant. As two of the plant security guards fumble for their pistols, the lead terrorist calmly, precisely, shoots each man once; they fall along the cement walkway. While the terrorists shove the hostages through the main door of the plant, someone from the crowd picks up the Chief's Magnum and fires wildly. One bullet strikes a female terrorist, who screams and falls near the security guards. Another terrorist whirls and empties his assault rifle into the crowd. One bullet passes through the neck of a small child and strikes his mother in the hip. Another bullet shatters the spine of a second child. And one strikes the lens of a TV camera dead center, driving glass and metal fragments into the cameraman's face. A Golden Knight who has half-lifted his fallen comrade feels the life slip out of him. Furiously, he trips the release of a spare smoke cannister and hurls it toward the plant's entrance. It falls between the wounded female terrorist and another terrorist who has come back to help her. Thinking it is poison gas, the second terrorist retreats into the plant.

One security guard, wounded, crawls over to the other, sees the bullet hole in his chest, shakes him, and calls his name. There is no answer. The guard feels for a pulse, finds

none, growls in rage, draws his pistol, and turns toward the wounded woman.

She sees him turn and realizes he intends to shoot her. She draws off her ski mask to see better. When he sees her long black hair and feminine features, the guard hesitates. Someone cries, "Don't kill her." He looks at the crowd, then remembers his own pain. His left side feels as if a red-hot poker runs through it. The girl slowly reaches for her gun; the guard looks back and sees her blood, a spreading stain on the cement walk. As her hand reaches the weapon, he sighs, aims as carefully as he can through fogging vision, and fires just in front of her hand. Fragments tear into her fingertips; holding her hand before her face, she shrieks, then begins to sob and slowly curl herself into a ball.

For a moment there is silence. Not two minutes have passed since the Japanese were shot. Now they, the Chief of the State Highway Patrol, one of the Golden Knights, and one plant security guard lie dead. Two children are also dying, and the TV newscaster moans with the pain of his facial wounds. One male terrorist is dead on the VIP platform; the wounded female terrorist lies motionless at the entrance to the plant. Inside the plant, the US ambassador and his wife, the governor, two Japanese businessmen, the senator and his wife, the mayor and his family, and the Air Force general have been forced to lie face down in the reception room.

Outside, order slowly replaces chaos. No one grasps fully what has happened, but some act sensibly. An off-duty policeman emerges from the crowd, removes the wounded female terrorist from the plant's entrance, carries her behind the speaker's platform, presses his handkerchief over her abdominal wound, and buckles his belt about her to hold pressure on the wound. He senses that it is important to keep her alive for questioning. Paramedics give first aid to the other wounded, then remove the dead by ambulance to a nearby hospital.

Local and state police begin to arrive on the scene. Members of the National Guard company hurry over to assist.

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The sheriff disperses the crowd and establishes a small command post behind the VIP platform. The local TV team continues to film the incident, to the displeasure of the sheriff. News of what has happened spreads quickly among the townsfolk. who soon clog the road near the plant area to see for themselves what has happened.

THE DEMANDS

At two o'clock, one of the terrorists steps through the front gate of the automobile plant carrying a white flag. A hush falls over the crowd of onlookers. The man is stocky and powerful-looking. In a sharp voice with a Spanish accent, he demands "to see the editor of the newspaper here at 2:30." With that he turns and reenters the plant.

Having little alternative. the sheriff relays the message and at 2:30 the editor stands at the designated point. A life-long resident of the town, the news editor is tremulous as the terrorist steps out, trains his M–16 rifle on him, and orders him into the plant. Two minutes later the editor reappears, an envelope in his hand. He quickly delivers the envelope to the sheriff at the command post, then hurries behind the stands, nauseated.

Inside the envelope, the sheriff finds a one-page typed letter:

> We are members of the Armed Forces for National Liberation of Puerto Rico. In conjunction with our brothers and sisters of the New World Liberation Front, we are speaking out for justice. From the time you receive this letter, you will have twelve hours to meet our demands. These demands are:
>
> 1. We will negotiate only with the President of the United States.
>
> 2. We seek recognition of Puerto Rico as a nation.
>
> 3. We seek the release of twelve "political prisoners" who are being held in Northern Ireland, Japan, and Israel. They are to be delivered to Puerto

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Rico. The names of these prisoners will be given to the President.

4. We seek air transportation to Puerto Rico upon completion of our discussion with the President.

5. We seek amnesty for all the "freedom fighters" involved in this daring cause.

6. To show our "good faith," we are prepared to release half of the hostages upon arrival of the President.

7. We are prepared to sacrifice ourselves for this cause. All hostages are wired with explosives. We will kill all of them if our demands are not met. In addition, we will release by remote control a highly potent chemical agent which will devastate this city.

CONSIDERATIONS AND IMPLICATIONS

The scenario portrays a violent act of political terrorism rationally applied to achieve specific political objectives. In our open society, such an incident could happen, presenting unprecedented challenges to policymakers.

Most people see terrorism as mindless, senseless, or irrational violence. Nothing could be further from the truth. Terrorism has a rationale, and it often works. Terrorism is a means to particular objectives, however difficult it may be to understand how the killing of Olympic athletes in Munich or the hijacking of a Lufthansa airliner in Rome will assist the plight of Palestinians, or how bombing a Manhattan office will help topple a dictator in Latin America.[1] Nevertheless, to key actors in the drama, there is linkage. A point to remember is that the objectives of terrorism are not those of conventional warfare.

When one considers that the evidence currently shows revolutionary movements throughout the world increasingly have US-based sympathizers, one must assume an escala-

tion of terrorist attacks in the United States. For example, the terror campaign recently launched in Manila by a new group of political activists against President Marcos is, according to an urban guerrilla source, supported by Philippine dissidents living in the United States.[2] Storm warnings also include bombings in Puerto Rico by independence radicals, at the Cuban Mission to the United Nations by anti-Castro agents, in New York City's Borough of Queens by Croatians opposed to the late Tito regime, and arrests in the United States of agents of the Irish Republican Army's Provisional Wing.[3]

The Fuerzas Armadas de Liberación Nacional (FALN) alluded to in the scenario is a small, secretive, and extremely violent group that supports the Puerto Rico independence movement. Since 1974, the FALN has claimed responsibility for more than one hundred bombings in Chicago, Miami, New York City, Washington, and Puerto Rico, which have killed five people and injured at least seventy.[4] In December 1980, eleven FALN suspects were indicted by a federal grand jury on charges of using terror and violence in twenty-eight bombings in the Chicago area alone from June 1975 through November 1979.[5] This wave of terrorist violence raises a series of crucial questions:

- How is such terrorism distinguished from other acts of criminality?

- What is the potential terrorist threat confronting the United States?

- Will the vulnerability of the United States attract more terrorists?

- Can domestic acts of political terrorism be separated from acts of international terrorism?

- Is the United States prepared, organizationally and psychologically, to deal with acts of political terrorism?

- Will US policymakers overreact or underreact to terrorist demands?

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- *What policy and organizational structure now directs US counterterrorist strategy?*

- *What is the relative effectiveness of various counter-measures against terrorism?*

- *For US policymakers, what are the unresolved, untested policy considerations in the area of jurisdictional questions, crisis management techniques, negotiating strategies, and civilian-military relations?*

The following discussion addresses these and other questions by defining the terrorist threat, describing and critically evaluating the US counterterrorist program, and recommending improvements.

INTRODUCTION

The preceding illustrative scenario depicted a complex act of domestic political terrorism applying a rational strategy calculated in terms of predictable costs and benefits to achieve specific political objectives.[1]

Given the openness of the US democratic society, it is not unlikely that such an incident may happen. However, in recent years, despite a great deal of dialogue about terrorism, little has been written about US policy decisions required for the crisis management of acts of domestic political terrorism. This shortcoming may be attributed, in part, to the illusion that terrorism cannot attain its ultimate objectives in a democratic society. Perhaps not. But failing to prepare for such incidents ignores the obvious: that contemporary terrorist groups are better organized and equipped than ever before, and that they have vulnerable, tempting targets in the modern, industrial, affluent society of the United States.

Future terrorist incidents could be extremely costly for the United States for a number of reasons. All aggravate the problem of protecting people and property. It is not unlikely that terrorist organizations will have access to nuclear, chemical, bacteriological, and biological weapons of mass destruction. For those dedicated to political terrorism and willing to use superviolent weapons for their cause, numerous scenarios may be constructed about the extreme vulnerability of US nuclear power plants, computers, water systems, and liquefied natural gas and other energy systems. The "ultimate threat" of terrorism is that terrorist organizations might gain access to nuclear devices. According to intelligence analysts, terrorists will achieve a nuclear capability by the end of the 1980s. But, because weapons are guarded more closely than nuclear in-

gredients, it is most likely that a terrorist group would attempt to steal material and make its own bomb. Of the known terrorist groups, analysts consider the most competent for a nuclear attempt to be one of the Palestinian groups—possibly in collaboration with Western European terrorists or the Japanese Red Army. The lack of effective US policy, organization, and contingency planning invites extraordinary acts of terrorism. The political terrorist may be asking: Where is there a better stage for our 'theater of the dead' than the United States?[2]

Since the Reagan administration assumed office, terrorism has received a higher priority as a matter of national security. President Reagan has promised "swift and effective retribution" against future terrorist acts such as the Iranian hostage episode. Former Secretary of State Alexander M. Haig, Jr., charged the Soviet Union with "training, funding, and equipping" the forces of terrorism. In the Congress, a new Senate Judiciary Subcommittee on Security and Terrorism was recently established. Such comments, concerns, and actions have focused long overdue attention on improving US abilities to combat terrorism.[3]

As concerned Americans, we must ask: Does this new emphasis reflect a complete appraisal of the terrorist threat or is it a release of pent-up emotions following the Iranian hostage crisis? Unfortunately, prior to the 4 November 1979 seizure of the US Embassy in Tehran, it was evident that the 1970s had become an unprecedented decade for terrorism—fourteen American diplomats, including five ambassadors, were murdered and thirty-two seriously wounded in terrorist attacks, and thirty-eight more were kidnapped. The number of terrorist armed assaults, either on American officials or diplomatic missions, totaled 208. This represents an average of one attack every 17.5 days. Terrorist violence has carried over to our current decade. Statistics for 1980 reflect 278 terrorist attacks on US embassies and personnel, including ten American deaths and ninety-four injuries.[4]

This study addresses the new dimensions of contemporary terrorism, describes the danger of domestic political terrorism for the United States, the agencies that must deal with this threat, and the types of policy decisions required. The discussion then evaluates US counterterrorist policy, organization, and strategy. The study has neither a pessimistic nor optimistic bias regarding terrorism but aims to stimulate awareness of the trend and precipitate appropriate reviews.

Chapter 1 examines the threat of domestic terrorism, including a description of its nature, its known dimensions and illustrative examples. Chapter 2 raises troubling questions and problems that must be faced beforehand. Chapter 3 describes the US counterterrorist program, including pertinent policy, strategy, and organizational issues. Chapter 4 critically evaluates the current US program in the light of these issues, while Chapter 5 examines limitations on intelligence data and methods which point to needs for improvement. Chapter 6 uses the Hanafi Muslim incident of March 1977 as a case study to illustrate successful hostage negotiation procedures and their potential implications for federal and state law-enforcement officers in bargaining with political terrorists. Chapter 7 identifies and recommends improvements in US policy, strategy, intelligence, law-enforcement procedures, and public affairs.

The material presented in this study does not exhaust all the topics that may impact on the crisis management of serious acts of domestic terrorism. The discussion does, however, identify some of the important issues that US policymakers must address if the United States is going to deal effectively with terrorism. The material in Chapter 2, largely from sources responsible for the program, tends to be biased in favor of the most positive aspects of the US government antiterrorist program. This reflects a natural tendency of the US bureaucracy to present a rose-colored picture of programs that, in fact, are highly debatable. In sum, this study seeks to move the policy community toward a better understanding of the issues in domestic terrorism and to focus attention upon proposed solutions for the future.

1. THE THREAT OF DOMESTIC TERRORISM: NATURE AND DIMENSIONS

INTERNATIONAL ROOTS

Although organized terror is usually thought to be characteristic of primitive societies, events over the last decade demonstrate that the process of terror is not alien to the more politically and culturally advanced societies. The faceless terrorist has practiced his trade for centuries, but only in the decade of the 1970s has he emerged as a major force in international politics with distinct characteristics, an organizational structure, and specific objectives.[1]

Unique aspects of contemporary terrorism include the global nature of violence that it spawns and the advantages it is afforded by the era of technology—unprecedented mobility, instant worldwide press exposure, and sophisticated weaponry. Target lists now include new opportunities and a wider range of selection. Experience has shown that dedicated terrorists are capable of obtaining tactical successes with immediate payoffs.[2] In all probability, this form of violence will continue for some time to come.

International terrorism, over the past ten years, has elevated individual acts of violence to the level of strategy and has devalued conventional military power by substituting the drama of violence and coercion played to a worldwide audience. Terrorists have violated conventional rules of war by seizing innocent bystanders, and have made the world a battlefield by disregarding national boundaries. As the Iranian hostage tragedy so vividly reflected, to dedicated terrorists, there are no neutral nations. Terrorism is now an international

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issue with which US policymakers may have to cope on their own turf in far greater detail than in the past.[3]

NATURE OF THE THREAT

In contrast with the international terrorist incidents that have plagued Western Europe, the Middle East, and Latin America, few major spectacular incidents have occurred in the United States. Terrorism, however, is largely a matter of perceptions. Neither the number of incidents nor the number of victims accurately reflects the shock that terrorist actions generate. Rather, terrorism is more appropriately measured by the amount of attention it compels, its ability to create crises, the cost associated with protection against attacks, the alarm it arouses, and the consequences the terrorist acts have for society. Using this yardstick, most contemporary terrorist attacks can be defined as successful.[4]

Because terrorist incidents in the United States, as noted, have not equaled in either number or severity those occurring elsewhere, to an extent, the American public has been able to ignore the problem. In fact such acts have occurred, but are not generally made known or publicized outside a small circle of policy, intelligence, and law-enforcement officials, and, more recently, academic scholars. Risks International, a private firm in Alexandria, Virginia, has recorded a chronology of 5,529 incidents of terrorism worldwide from 1970 to 1978. On the basis of the Risks chronology, ten countries account for 71 percent of the recorded incidents. With 583 incidents, the United States places third on the list, right after Italy and Spain.[5]

TRENDS IN ACTS OF DOMESTIC TERRORISM: STATISTICAL EVIDENCE

The most prominent form of terrorism conducted in the United States is bombings, which represent about 84 percent of all incidents. The percentage is high because the simplicity

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of bombings is most attractive to the small, relatively unso-
phisticated terrorist groups currently operating in the United
States. Bombings require little technical expertise, little risk,
and little organization. (See Table 1.1 for terrorist bombings in
the United States, 1970–80).

The Director of the FBI, Judge William H. Webster, has
stated that between the years 1975 and 1977, the ability of the
United States "to check" terrorism improved. This improve-
ment contributed to a significant decline in the total number of
terrorist incidents (sixty-nine) committed within the country
during 1978. Judge Webster suggested that the trend may
well continue but notes that the decline has "not by any
means eliminated the basic threat."

Even though there were fewer terrorist incidents in 1979
(fifty-two) than in 1978 (sixty-nine), Webster cautioned that
the difference of seventeen is somewhat misleading. Even
though the total number of domestic terrorist incidents is
down, deaths due to terrorists in the United States have al-
most doubled—five in 1978, compared to nine in 1979. In ad-
dition, the number of injuries as a result of terrorism in 1978
totaled five. In 1979 that figure rose to thirty-eight. This trend
of fewer, yet more destructive and vicious, attacks by terror-
ists is also reflected world-wide. In 1979, international terrorist
incidents decreased from 353 in 1978 to 293, but the number
of deaths and injuries from these attacks was at the highest
level since 1968, when statistics of this type were first re-
corded. This trend is disturbing in that it reflects "a greater so-
phistication and willingness on the part of the terrorists to take
human life."[6]

CLASSIFYING TERRORIST INCIDENTS

The dimensions of the terrorist threat are difficult to
measure. Because motivation for incidents against persons or
property is difficult to define, the Federal Bureau of Investiga-
tion has problems in classifying acts for statistical purposes.

Table 1.1

**DOMESTIC ACTS OF TERRORISM COMMITTED
IN THE UNITED STATES, 1970–80**

Date	Total Terrorist Incidents	Terrorist Bombings	Deaths Attributed to Terrorism	Injuries Attributed to Terrorism
1970–75	700[1]			
1970–78		365		
1971–76		255[2]		
1973		24		
1973–79		324		
1974		45		
1975		80	6	76
1975–79			17[3]	136[3]
1975		100+		
1976		100+		
1977	111	100	11[4]	
1978	69	52	5[5]	5
1979	52	42	9	38
1980	30	20	20[4]	

Source: Data compiled by the author using assorted references. See endnote 7.

Notes:

[1] In these incidents, 83 police and civilians were killed and 284 more wounded. During this period the FBI identified 21 terrorist groups comprising some 5,000 members and auxiliaries.

[2] In addition, 122 fire bombings and 21 acts of arson were recorded as terrorist-related crimes. From 1973 to 1976 terrorist-related crimes increased threefold.

[3] New York City alone (attributed to FALN).

[4] Death/injury total.

[5] Total of deaths for the period 1970–78 was 72.

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For example, in the mid-1970s, the FBI recorded 2,000 actual and attempted bombings a year. In 1977 and 1978 they recorded approximately 1,300. Few of these bombings, however, could be described as politically motivated. Most involved individuals settling personal vendettas. Before 1977, politically motivated bombings might appear in FBI statistics under the headings of Anti-Establishment, Extremist, Political, or Foreign Political.[8]

FBI motivational classification for bombings within the United States between 1972 and 1976 is reflected in Table 1.2. Political terrorist bombings accounted for approximately 11 percent of total bombings. Since 1977, the categories of Protest, Publicity, and Subversion have been used. Together, these politically motivated bombings represent an average of only about 6 percent of the total number of bombing incidents for each year.[9]

The apparent precision of these figures, however, is misleading. They reflect the best possible reconstruction using

Table 1.2

BOMBING MOTIVES, 1972-76

Motives	Percent of Total
Malicious Destruction	34.5
Personal Animosity	32.8
Unknown	14.3
Political	10.8
Labor Disputes	4.6
Financial Gain	2.1
Organized Crime	0.8

Source: *Aircraft Piracy: International Terrorism*, Hearings before the Subcommittee on Aviation of the Committee on Public Works and Transportation, House of Representatives, 96th Cong., 1st sess., 1 March 1979, p. 209.

available data. Even though there is a growing body of litera-
ture addressing the gaps in our knowledge concerning the na-
ture and extent of contemporary terrorism, most analyses
have focused on international terrorism and may be inconsist-
ent with the actual trend of terrorist activities in the United
States. In short, information regarding terrorism and terrorist-
induced crises in this country can be described as unsys-
tematic, inconsistent, and scenario-oriented. It is difficult to
distinguish between what is known and what is generally sup-
posed but untested, or what is partial information extrapo-
lated. Much more needs to be done to collect, organize,
analyze, and evaluate information systematically from differ-
ent sources and agencies. In addition, greater efforts must be
devoted to examining relationships between terrorists, terror-
ist groups and terrorist operations, terrorist motives and inten-
tions, and why terrorists select particular targets.[10]

DOMESTIC TERRORIST ORGANIZATIONS

A handful of terrorist organizations account for most
bombings and other terrorist actions in the United States. (Ta-
ble 1.3)

During the latter part of the 1970s, three groups ac-
counted for the majority of domestic terrorist incidents in the
United States. Almost half the acts arose out of the issue of
Puerto Rican independence. The most active of the many
Puerto Rican independence groups is the Armed Forces of
Puerto Rican National Liberation (FALN). Although comprising
only a small number of hard-core members, the FALN is an ef-
fective and efficient organization.[11]

Jewish extremist organizations, such as the new Jewish
Defense League, also have accounted for a large share of do-
mestic terrorist incidents. This organization bombed the resi-
dences of three employees of the United Nations and an
Egyptian Tourist Office. The Jewish Committee of Concern
and the Jewish Armed Resistance have also been active in
firebombing incidents.[12]

Table 1.3

TERRORIST BOMBINGS IN THE UNITED STATES, 1970-80

Terrorist Organization	Number of Bombing Incidents	Area in Which Bombing Occurred	Inclusive Dates of Bombings
The Weather Underground	46	New York and Washington, DC	1970–78
Black Liberation Army[1]	3	New York	1971–75
The New World Liberation Front (NWLF)	70	San Francisco Bay	1974–78
	26	Cities of Northern California/Western United States	
George Jackson Brigade[2]	14	Washington State and Oregon	1975–78
Armed Forces of Puerto Rican National Liberation (FALN)	58	New York, Washington, DC, Chicago	1975–79
Omega 7 (Anti-Castro)	19	New York	1975–80
Sam Melville-Jonathan Jackson Unit	11	New England	1976–77
The Jewish Armed Resistance	5	New York	1978

Source: Compiled by the author using assorted references. See endnote 13.

Notes:

[1] In addition, carried out twelve assassinations and thirteen attacks on police, financial, and commercial installations.

[2] Also was involved in eleven bank robberies.

In 1980, the FBI regarded "Omega 7," an anti-Castro Cuban group, as the most dangerous terrorist group in the United States. Although the government has given highest priority to capturing the members of this organization, no one has been arrested on bombing charges to date. The FBI states it has been unable to penetrate the group because it probably consists of no more than seven members. Hard proof of guilt is also difficult to obtain since the bomb explosions destroy virtually all evidence; victims have been uncooperative.[14]

To a certain extent, there has been a changing of the guard of domestic terror groups operating in the United States. In 1978, the Weather Underground, responsible for much of the destruction and violence in the early 1970s, including the bombings of the Pentagon, the Department of State, and the Capitol, was not heard from. In addition, the New World Liberation Front (NWLF), which had been active earlier, claimed responsibility for only one bombing in 1978. Since that time, little has been heard from this organization.

According to Judge Webster, some of this decline in domestic terrorist activity may be the result of the November 1977 arrest of five members of the Weather Underground in Los Angeles and Houston. Their arrests were thanks to penetration of the Weather Underground by undercover FBI agents. Fortunately, the arrest of the five Weathermen occurred just prior to their planned bombing of the office of a California state senator. But, as recent events show, domestic terrorist operations are by no means passé.[15]

THE PERCEIVED ABSENCE OF POLITICAL TERRORISM

Why hasn't terrorism in the United States reached the tragic levels of other countries? Four reasons may be offered.

First, the relative absence of political terrorism in the United States can be attributed to social and political safety valves. Yet, in the years ahead, these valves alone may not be enough. Increasing polarization of political thought, exacerbation of economic difficulties, and growing racial and ethnic

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tensions are factors that could contribute to future terrorist escalation. Such groups as the FALN and Omega 7 may look to foreign terrorist organizations and patron states for cooperation and support. The possibility of new terrorist organizations emerging from such origins as the antinuclear groups and the resurgent antidraft movement cannot be discounted. As a former Deputy Director of the State Department Office for Combatting Terrorism, John E. Karkashian, warns:

> The fusing of the criminal, the racist and the ideological zealot could prove to be a dangerous combination to the nation's stability and the safety of the general citizenry.[16]

The second reason is that terrorism, like beauty, is in the eye of the beholder. Perceptions of the severity of terrorism are determined by spectacular acts, not by statistics. Few terrorist incidents in the United States have qualified as national media events. The first, the 4 February 1974 political kidnapping of Patricia Hearst by the Symbionese Liberation Army, may exemplify the shock and fascination of the American public and the type of news media coverage that subsequent acts of political terrorism may generate. The Hearst episode demonstrated the impact that a small group, possessing a limited capacity for violence, can accomplish by causing alarm, capturing headlines, and taxing the capabilities of US law-enforcement agencies. An additional terrorist incident that enjoyed short-run publicity was the March 1977 takeover of three buildings in Washington, D.C., by Hanafi Muslims, which will be discussed in detail in Chapter 6.

A third reason why fewer acts labeled as terrorism occur in the United States than in other countries is that, to date, foreign terrorists have rarely operated on American soil. Nothing comparable to the takeover of the West German embassy in Stockholm, or the seizure of the headquarters of the Organization of Petroleum Exporting Countries (OPEC) in Vienna has occurred in the United States.

Fourth, terrorist violence in the United States has been less lethal. Most of the bombings in the United States have been directed against property, not persons. In terms of the total number of casualties resulting from terrorist attacks between 1970 and 1978, the United States with 72 ranks roughly with the United Kingdom with 68 deaths (excluding Northern Ireland). The United States is ahead of the Federal Republic of Germany, which had 44 deaths, and behind Italy with 108 deaths. For comparison, during the same nine-year period, 321 persons were killed in terrorist actions in Argentina, 280 in Spain, and 182 in Israel. In sum, the high level of violent crime in the United States (20,000 homicides a year and thousands of armed robberies) overshadows the comparatively low level of terrorist violence. Domestic terrorist incidents, which average sixty or seventy a year, with 8 deaths, hardly seem significant or frightening to the American public.[17]

THE YEARS AHEAD

In all probability, the future terrorist threat to the United States will not be from home-grown terrorist organizations. Such groups have been unable to attract sympathetic popular support. A more likely possibility is that our open society will attract foreign terrorists in greater numbers. For example, members of the Baader-Meinhof Gang have attempted to enter the United States using false passports. In October 1980, two members of the Belgian neofascist terrorist organization were deported by the State Department. They apparently came to the United States to meet with leaders of the right-wing National States' Rights Party located in Marietta, Georgia.[18] It is impossible to estimate how many foreign terrorists have safely entered the United States or for what purposes.

The Director of the FBI has emphasized that since 1977 US "counter-terrorist training, equipment, and crisis management capabilities have increased significantly; however, so has the sophistication of terrorist groups."[19]

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When compared to the level of terrorist violence in Italy, Northern Ireland, or Spain, there does not appear to be a major terrorist threat in the United States at the present time. However, ample incentives exist for further intensification of such violence. Numerous groups—Croatian emigres, anti-Castro exiles, members of the FALN, minority extremists—could find justification in their perceived grievances against the United States or claimed goals for terrorist violence. In addition, controversial issues such as nuclear power or abortion could generate acts of violence. Overseas events that could inflame domestic campaigns of terrorism within the United States should not be discounted. US military intervention in the Middle East, Central America, or elsewhere could provoke the type of antiwar violence experienced during the Vietnam conflict. And finally, irrational violent acts of individuals who seek to solve their personal problems by hijacking airplanes, seizing hostages, or assassinating government officials must be anticipated.[20]

VOICES OF CONCERN

In 1970, Richard M. Nixon expressed presidential concern that he or members of his cabinet would be victims of terrorist attacks. When the Secret Service was asked by Nixon to develop intelligence on terrorist groups, the agency demurred, stating that such actions would encroach upon the duties of other agencies.[21] In 1976, Clarence M. Kelley, a former Director of the Federal Bureau of Investigation, warned the law-enforcement community that from 1973 to 1976 terrorist-related crimes within the United States had increased three-fold. Past and present senior US officials who have conveyed a variety of concerns regarding terrorism include former President Jimmy Carter, who promised that the United States would not give in to terrorism regardless of its form or where it might occur, and former Secretary of State Cyrus Vance who described terrorism as one of the most inhumane phenomena of our time. The former Director of the State Department's Office for Combatting Terrorism, Ambassador Anthony Quainton, predicted higher levels of terrorist violence during the

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1980s. The Director of the Federal Bureau of Investigation. Judge William Webster, has suggested that it is the nature of terrorist groups to mount increasingly spectacular attacks in order to capture attention and to maintain credibility among their "constituencies." Former Secretary of State Alexander Haig has added that it is time for terrorism to be addressed with greater clarity and effectiveness by all Western nations. including the United States.[22]

SUMMARY

From the preceding discussion, it is clear that terrorism in the United States is a domestic problem with international roots. Compared to terrorist violence in other countries, the terrorist threat to the United States appears to be minimal. But the appearance is of little comfort. What statistics we have indicate that hundreds of incidents occurred in the 1970s and the potential exists for an even greater escalation.

Yet, even greater than the threat of the terrorists themselves is the threat of ignorance or apathy concerning the problem. The lack of systematic information on the nature and dimensions of terrorism as a domestic problem, coupled with the comparatively low level of terrorist violence, have masked the potential dangers from the public. Without such information, no effective policy, strategy, or counterterrorist organization can be devised.

During the balance of the 1980s, the battle against terrorism may be a long and frustrating one. We must attain our victory within the framework of a democratic society. Therefore, we must ask: Is there a counterstrategy for effectively responding to and possibly deterring terrorism? Based on past experience, it appears that there is no single answer to the problem of terrorism, nor can a combination of counterstrategies be developed that will eliminate all acts of terrorism. In a way, this form of violence is a disease difficult to predict or even to diagnose. Counterstrategies applied to date to deter international terrorism, e.g., UN resolutions, multinational agreements, highly trained police and military units, establish-

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ment of governmental agencies. and diplomatic actions have met with very little overall success. as is attested by the almost daily acts of terrorism in some part of the world.

The United States has been a bystander. for the most part, as contemporary terrorism has struck elsewhere. The Iranian hostage incident has sensitized the United States to its vulnerability to acts of political terrorism abroad. Domestic acts of political terrorism, however, have yet to arouse due concern. When compared with competing global and national security issues, the domestic threat has received little attention, except within a small group of US experts.

Assuming terrorist tactics will continue to be used to seek specific political goals, and in view of the vulnerability of the numerous soft targets available to terrorist organizations within the United States, it would appear that US policymakers should be developing the answers to a host of complex questions. Some of these are examined in the next chapter.

2. COMBATTING THE THREAT: UNPRECEDENTED POLICY DECISIONS

DEALING WITH TERRORIST-INDUCED CRISES

Any terrorist incident is time-sensitive. In the scenario, the first twelve hours are vital.

Terrorists who are determined at all costs to obtain specific political objectives from the US government have at their disposal an array of options. A single act of domestic political terrorism may cut across several governmental agencies' jurisdictional lines of authority. Thus, a timely, coordinated, and comprehensive governmental response becomes extremely complex and difficult. Essential to dealing with acts of political terrorism within the United States are policy planning, crisis anticipation, and rehearsal of crisis-management techniques by US policymakers. Unfortunately, forecasting specific terrorist crises is highly unlikely. But isolating the types of decision problems that will be encountered by US policymakers may contribute significantly to combatting and deterring acts of political terrorism.

In evaluating anticipated terrorist acts of violence, crisis management techniques, US objectives, timely response, speed of crisis resolution, and type of outcome obtained play major roles.[1] General crisis management problems which will confront policymakers in their attempt to resolve terrorist incidents will include obtaining accurate and timely information on the situation, prior knowledge and understanding of available contingency plans and countermeasures and options. Operational problems which the decisionmaker may encounter are the establishment of specific jurisdictional lines of responsibility between appropriate federal and state agencies: appoint-

ment of appropriate responsible personnel to be in charge; ascertaining the training and readiness status, as well as location, of forces capable of dealing with the threat; selecting a rapid and responsive communication network; and dealing with public anxiety and the news media. The remainder of this chapter discusses five policy decisions and a number of questions associated with the illustrative July Fourth scenario.

POLICY DECISIONS AND QUESTIONS

The situation will possibly require direct or at least indirect presidential participation. Would the President personally negotiate with such a group of terrorists? If not, who would? Who would the President rely upon in arriving at needful decisions?

A second decision entails the choice of appropriate federal and state agencies to be involved. Who makes this decision? More importantly, who coordinates the interplay? The incident will have not only domestic but also international implications. Thus, there is need for timely dissemination of information and responsive actions by a variety of actors.

Numerous lines of communication must be opened rapidly to insure that appropriate agencies—both federal and state—are alerted and involved in the management of the situation.

Third, in a violent and volatile incident, the manner in which negotiations are conducted becomes crucial. How would the negotiation strategies be conducted? Furthermore, how would the terrorist demands be assessed? Given the violence of such a terrorist act, would amnesty be considered as a feasible bargaining chip? What ultimate considerations would underlie the final decisions required? At what level would decisionmaking authority rest or be delegated?

Fourth, inasmuch as there are indications of an international terrorist network at work, the determination of whether the incident is to be considered a domestic or international act of terrorism must be resolved. Such a decision may determine w' ier in the court of law, and perhaps in the eyes of the in-

ternational community, captured terrorists are to be considered criminals, members of armed forces, or political prisoners. Who makes the decisions? And finally, the manner in which the US crisis management structure deals with such a complex situation may establish the manner in which similar acts of domestic political terrorism are to be dealt with in the future. Would policymakers overreact; e.g., utilize force in an attempt to rescue the hostages, or underreact; i.e., acquiesce in the terrorist demands? None of these questions can be taken lightly nor should they be answered without fully weighing alternative consequences and risks.

The type of terrorist incident that has been portrayed will require difficult decisions by senior governmental officials. No past real-world situation may serve as a model. Hence, the need for in-depth innovative contingency planning and a well-considered strategy.

The crisis management efforts that must go into resolving such questions must be efficient and timely. Human fallibility must be minimized. Decisions will have to be transmitted and implemented promptly. Because of the numerous agencies which would be involved in meeting a terrorist threat of any complexity, the US bureaucratic decisionmaking process might be slow. (This assumption is based upon the US counterterrorist organizational structure discussed in detail in Chapter 4.) Perhaps the basic question throughout response to such an incident would be: Who is in charge?

There are, of course, other questions the answers to which could have a significant impact on the outcome of any domestic terrorist situation. For example, what specific jurisdictional problems might arise between federal and state authorities? Perhaps, from a law-enforcement standpoint, the issue of infringement on state sovereignty will arise. What actions would be taken, and by whom, in reacting to the chemical-agent threat? Would action be initiated to evacuate the town? By whom? What consideration, if any, would be given to declaring martial law, and would this require special legislation? If martial law were implemented, how would a

citizenry highly sensitized to civil rights react? What role would military organizations play, if any? Internationally, what steps would be taken to advise or consult other countries, e.g., England, Japan, and Israel, regarding the release of allegedly political prisoners? Would Washington-based embassies be used as intermediaries, or would direct presidential or Secretary of State lines of communication be utilized? In sum, the scope, magnitude, and complexity of questions presented and inherent in the type of political violence depicted in the scenario are in many respects beyond comparison with any crisis which has confronted US policymakers to date.

SUMMARY

If terrorism is to be successfully combatted, the government must convince potential terrorists that an established US antiterrorism program is prepared to deal with a variety of terrorist incidents. Such a program, to include supporting policies, must be responsive, flexible, cognizant of the contemporary nature of the terrorist threat, and must incorporate a wide range of federal agencies and resources that would support any comprehensive antiterrorism program.[2]

An examination of current US counterterrorist policy, strategy, and organizational structure may provide helpful insights into issues and potential pitfalls that must be confronted and resolved if acts of domestic political terrorism are to be successfully confronted. Awareness of the possibility of such acts and the adoption of a confrontation posture will minimize the element of surprise, a key to the success of terrorist operations. Coordinated interagency policy planning and sound, well-rehearsed crisis management techniques that anticipate acts of political terrorism will increase the ability of the United States to respond to such acts. With these remarks we now proceed to a discussion of the antiterrorist program of the United States government.

3. THE ANTITERRORISM PROGRAM OF THE UNITED STATES GOVERNMENT

BIRTH AND DEVELOPMENT

To date, the antiterrorism efforts of the United States have primarily focused on international terrorism. Even though this study deals with domestic terrorism, a brief description of how the United States manages international terrorist threats helps provide a balanced perspective of the US antiterrorist program.

To reflect such a perspective, this chapter relates essential information pertinent to two key presidential decisions that gave impetus to the US antiterrorist program, describes the existing program and its organizational structure as of June 1981, discusses jurisdictional responsibilities, and outlines the role of supporting agencies. Chapter 4 appraises the program.

For the United States, the harsh reality of modern-day terrorist violence was underscored in the early 1970s by the tragedies at the Munich Olympics, the epidemic of kidnappings in Latin America, and the murder of two US diplomats in Sudan. Thus, in September 1972, then President Richard M. Nixon established a Cabinet Committee to Combat Terrorism. According to Nixon, this committee was to consider "the most effective means to prevent terrorism here and abroad."[1]

The Secretary of State chaired the cabinet committee, whose membership included the Secretaries of the Departments of Treasury, Defense, and Transportation, the Attorney General, the US Ambassador to the United Nations, the Director of the Federal Bureau of Investigation, and the President's National Security and Domestic Affairs Advisers. The committee was directed to coordinate interagency activity to prevent

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terrorism. In the event terrorist acts occurred, this body was to devise procedures for a swift and effective US reaction. A working group, composed of designated senior members of the cabinet committee, was subsequently established. In the words of the first chairman of the working group, Lewis Hoffacker, the US approach to counterterrorism "is based on the principle derived from our liberal heritage, as well as from the UN Declaration of Human Rights, which affirms that every human being has a right to life, liberty, and security of person. Yet the violence of international terrorism violates that principle."[2]

The Cabinet Committee to Combat Terrorism met only once and was abolished in 1977. Shortly after President Carter's inauguration, the National Security Council initiated a detailed study to assess US abilities to develop consistent policies for dealing with terrorism and for handling specific terrorist incidents. According to Deputy Attorney General Benjamin R. Civiletti, the "study confirmed the need for an extremely flexible antiterrorism program at the federal level that would take into account the changeable nature of the contemporary terrorist threat and the wide range of resources that would have to be marshalled to meet all likely contingencies."[3] The result of that study was the trilevel US antiterrorism program concept.

TRILEVEL ANTITERRORISM PROGRAM CONCEPT

The underlying premise of the trilevel concept is to capitalize on the in-place organizational structure of existing federal agencies and to utilize the assigned responsibilities and capabilities of these agencies within a clearly-defined command and control structure to combat terrorism.[4] When necessary, this structure is linked with the Executive Office of the President in the conduct of field operations. The concept includes four basic program components at the operational level: (Figure 3.1)

- Prevention
- Deterrence

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Figure 3.1

TRILEVEL CONCEPT
OF THE US GOVERNMENT
ANTITERRORISM PROGRAM

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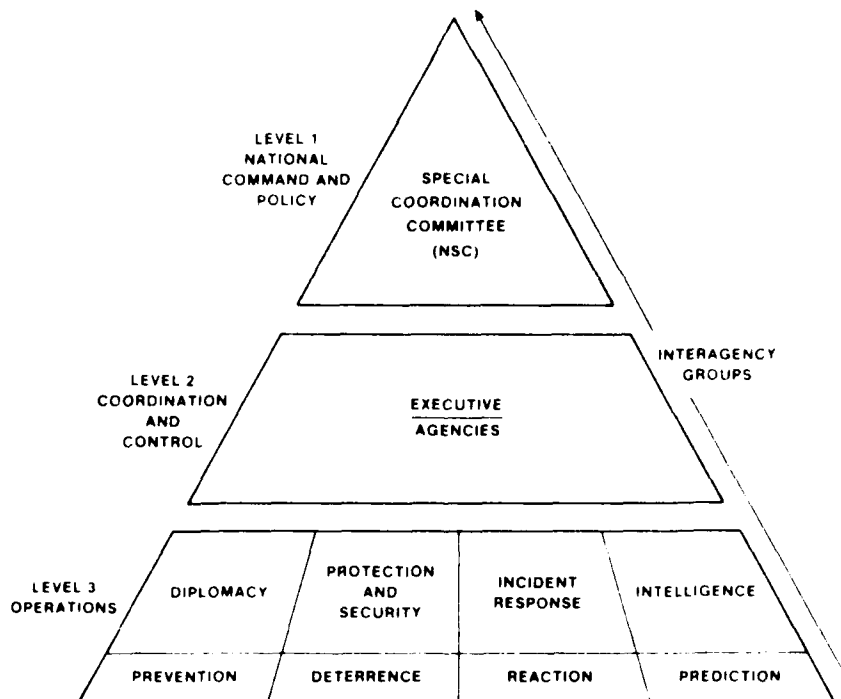
- Reaction

- Prediction

The *prevention* component focuses on international initiatives and diplomacy to discourage foreign states' support of terrorism. This program further attempts to build a broad consensus that terrorist acts are inadmissible under international law, irrespective of motive. *Deterrence* emphasizes protection and security efforts, essentially target hardening in both the public and private sectors, to discourage terrorist acts. The third basic program component, *reaction*, consists of operations in response to specific major acts of terrorism. And finally, *prediction* includes intelligence and counterintelligence efforts in continuous support of the three other program components.

To facilitate the management of response to terrorist incidents, delineate operational jurisdiction, and provide for the exchange of information between agencies, federal departments have concluded a number of memoranda of understanding (MOUs). Current MOUs include agreements between the Federal Bureau of Investigation and the Federal Aviation Administration (FAA) on domestic aircraft hijackings, the FAA and the Department of Defense (DOD) on aircraft hijackings on US military bases, the FBI and the Department of Energy (DOE) on nuclear threat incidents, the DOE and DOD on accidents or incidents involving radioactive material or nuclear weapons, and the Department of Justice and the Department of the Treasury on bombing incidents.[5]

US GOVERNMENT ORGANIZATION FOR ANTITERRORISM PLANNING, COORDINATION, AND POLICY FORMULATION

At the national command and policy level, the Cabinet Committee to Combat Terrorism was replaced by a Special Coordination Committee (SCC) of the National Security Council (NSC) to assist the President in crisis management. The SCC is the focal point for oversight of the US antiterrorism program and supports the President should he wish to take

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part in the management of response to a specific terrorist incident. Members of the SCC are the statutory members of the NSC—the President, the Vice President, the Secretaries of State and Defense, and other senior officials as required. Two interagency groups—the Executive Committee on Terrorism (ECT) and the Working Group on Terrorism (WGT)—coordinate the various components of the program and provide overall guidance for planning, coordination, and policy development.

The senior-level interagency Executive Committee on Terrorism responsive to the SCC was established in September 1977. Normally, agencies assign to the ECT experienced officials with strong backgrounds in the coordination and control of complex military or law-enforcement operations, as well as in policy analysis and development. As of 1981, the committee consisted of representatives from the Departments of State, Defense, Justice, Treasury, Transportation, and Energy, the Central Intelligence Agency, and the National Security Council staff. The ECT chairman is the State Department representative. The deputy chairman is the Department of Justice representative. Charged with matters of government-wide policy formulation and operational coordination, the ECT is especially concerned with responding to major acts of terrorism and related issues, and with periodic testing and evaluation of response capabilities. Long-range antiterrorism program planning and analysis is also an ECT responsibility.[6]

The members of the Working Group on Terrorism, composed of representatives of some twenty-nine agencies with an interest in the four basic antiterrorism program components, are listed in Figure 3.2. The members of the WGT are generally managers, planners, or coordinators of antiterrorism activities for their respective agencies. As with the ECT, the Department of State representative chairs the WGT, and the Department of Justice representative serves as deputy chairman. Assigned WGT responsibilities include exchanging information, resolving jurisdictional issues, and coordinating the general antiterrorism activities of the various agencies. The full committee membership periodically meets in plenary session; the participants also belong to committttees that deal with

Figure 3.2

US GOVERNMENT ORGANIZATION FOR ANTITERRORISM PLANNING, COORDINATION, AND POLICY FORMULATION

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┌─────────────────────┐
│        THE          │
│     PRESIDENT       │
└─────────────────────┘
           │
┌─────────────────────┐
│ SPECIAL COORDINATION│
│   COMMITTEE (NSC)   │
└─────────────────────┘
           │
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EXECUTIVE COMMITTEE ON TERRORISM			
TREASURY	JUSTICE	STATE	DEFENSE
TRANSPORTATION	CIA	ENERGY	NSC STAFF

WORKING GROUP ON TERRORISM	
• AGENCY FOR INTERNATIONAL DEVELOPMENT	• CENTER FOR DISEASE CONTROL (HEW)
• ARMS CONTROL AND DISARMAMENT AGENCY	• JOINT CHIEFS OF STAFF
• CENTRAL INTELLIGENCE AGENCY	• LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
• DEFENSE INTELLIGENCE AGENCY	• METROPOLITAN POLICE DEPARTMENT
• DEPARTMENT OF THE ARMY	• NATIONAL SECURITY AGENCY
• DEPARTMENT OF COMMERCE	• NUCLEAR REGULATORY COMMISSION
• DEPARTMENT OF ENERGY	• OFFICE OF MANAGEMENT AND BUDGET
• DEPARTMENT OF JUSTICE	• OFFICE OF THE SECRETARY OF DEFENSE
• DEPARTMENT OF STATE	• UNITED STATES COAST GUARD
• DEPARTMENT OF TRANSPORTATION	• UNITED STATES CUSTOMS SERVICE
• DEPARTMENT OF TREASURY	• UNITED STATES MISSION TO THE UNITED NATIONS
• FEDERAL AVIATION ADMINISTRATION	• UNITED STATES POSTAL SERVICE
• FEDERAL BUREAU OF INVESTIGATION	• UNITED STATES SECRET SERVICE
• FEDERAL PREPAREDNESS AGENCY	• UNITED STATES MARSHALS SERVICE
• IMMIGRATION AND NATURALIZATION SERVICE	

specific problems and issues. Current committees, on International Initiatives, Security Policy, and Contingency Planning and Crisis Management, address the prevention, deterrence, and reaction components of the US government's antiterrorism program. The intelligence component (prediction) is continually addressed by a special intelligence committee that coordinates with both the Working Group and the Executive Committee. Figure 3.3 illustrates the US government antiterrorism program and its essential management components.[7]

In short, the US government antiterrorism program—promulgated by Presidential Review Memorandum No. 30—was intended to clarify specific interagency lines of authority. Furthermore, the organization was to provide a framework for establishing groups of specialists to deal with various terrorist incidents in terms of crisis management. This organization appears to have lessened traditional interagency jurisdictional infighting and to have established a better working relationship among representatives of the Departments of State and Justice, the Federal Aviation Administration, and the Central Intelligence Agency. The Senate believes, however, that there are still areas of overlapping jurisdiction. Accordingly, Senate Bill 333, 96th Congress, proposed a substantial reorganization of the US antiterrorism structure. The bill, as introduced, establishes a new Coordinating Council within the Executive Office of the President as the basic central mechanism for combatting terrorism. It is believed that such a council would increase the potential for levying necessary contributions from other agencies with better prospects for support.[8]

JURISDICTIONAL RESPONSIBILITIES

The Department of State is the "lead agency"[9] charged with developing and refining policy and operational guidelines and responding to international terrorist threats and incidents involving American citizens and interests abroad. In its relations with other governments, the Department of State consistently emphasizes seven guidelines regarding the position of the US government toward international terrorism. Inasmuch as there are no similar publicized guidelines established

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Figure 3.3

THE US GOVERNMENT
ANTITERRORISM PROGRAM STRUCTURE
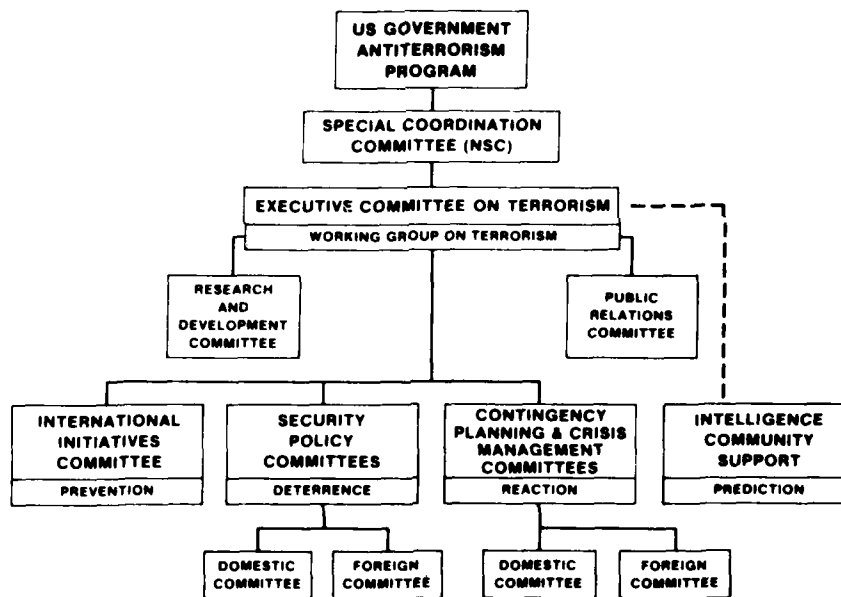
for domestic acts of terrorism, it may be helpful to summarize the international guidelines here. They may provide a foundation for domestic policy decisions.

- All terrorist actions, regardless of their motivation, are condemned as criminal.

- All lawful measures are to be taken to prevent terrorist acts and to bring to justice those who commit them.

- The United States will not accede to terrorist blackmail: to grant concessions only invites further demands.

- When Americans are abducted overseas, host governments are expected to exercise their responsibility under international law to protect all persons within their territories, and to ensure the safe release of hostages.

- During terrorist incidents, the United States will maintain close and continuous contact with the host government and support the host government with all practical intelligence and technical services.

- The United States understands the extreme difficulty of the decisions governments are often called upon to make. For example, how to reconcile objectives of saving lives of hostages with making sure that terrorists can gain no benefit from their lawless action.

- The importance of international cooperation to combat terrorism is recognized. The United States intends to pursue all avenues to strengthen such cooperation.[10]

The Department of State's basis for managing foreign incidents is its statutory and presidentially delegated authority to conduct foreign relations. This authority derives from 22 USC 2651, further defined by presidential message of 25 October 1977 to all ambassadors in overseas posts. Operationally, the Department of State, through its Office for Combatting Terrorism, provides leadership and core personnel to manage international terrorist incidents involving US interests. Normally, a crisis-management task force is formed, drawing on a wealth of area or functional expertise from US and foreign, national,

and local governmental sources as appropriate. At need, the task force is staffed to operate round-the-clock until the incident is resolved.[11]

As would be expected, the State Department is interested in any US domestic incident of international terrorism that could adversely affect US foreign relations. In such situations, the Departments of State and Justice maintain close coordination. Conversely, the Justice Department is in close contact with the Department of State in those instances where a US domestic terrorist incident may be expected to terminate outside of the United States. Departmental operational control shifts accordingly between State and Justice.

In sum, the fight against terrorism is an integral part of US relations with other governments.[12]

DOMESTIC TERRORIST CRIMES

By virtue of the Constitution and the laws of the United States, state and local governments have primary responsibility and authority for protecting the lives and property of citizens, as well as for maintaining public order and enforcing the laws. The federal government, however, in certain limited circumstances, may assume this responsibility and authority.

Acts constituting terrorism are crimes currently proscribed by state and federal statutes. These crimes include terroristic assassination (murder), hijacking, kidnapping, hostage-holding, bombing, arson, armed attack, and extortion. Because major acts of terrorism thus are violations of both state and federal law, concurrent criminal jurisdiction is the rule. Accordingly, the federal government can either act or defer to state jurisdiction and action depending on the nature of the incident and the capabilities of local authorities to deal with it. Appropriate federal law-enforcement assistance and support would be rendered upon request if local authorities are in charge.[13]

Terrorist acts such as hijacking, hostage-holding, and some cases of kidnapping and extortion are referred to as "incidents of duration," wherein terrorist and antiterrorist forces

seek to wait each other out. The responsibility for responding to such incidents is distinct from the widely shared responsibility for preventing and deterring terrorism or investigating and prosecuting other terrorist crimes.[14] The crisis management of a specific terrorist incident is exercised by the agency having primary responsibility by virtue of constitutional or statutory authority or US executive-branch directive or understanding.

Terrorist acts of duration occurring in the United States, including the District of Columbia, the Commonwealth of Puerto Rico, the US possessions and territories (domestic incidents) are normally managed by the Department of Justice. An exception is provided by 49 USC 1357 (e), which directs that the Administrator of the Federal Aviation Administration (FAA) shall have exclusive responsibility for the direction of any law-enforcement activity affecting the safety of persons aboard US and foreign non-military aircraft in flight in US airspace. In such situations, the response of the Federal Bureau of Investigation is closely coordinated with the FAA. The Department of Defense provides specialized military personnel in support of both foreign and domestic antiterrorism operations. Figure 3.4 depicts the US government organization for flexible response to terrorist incidents.[15]

The Attorney General is responsible for managing the federal response to major acts of terrorism committed in the United States. He, in turn, has delegated this function to the Deputy Attorney General, who makes major policy and legal decisions during any terrorism crisis. Within the Department of Justice, the lead agency for most terrorist incidents is the FBI.

The FBI is authorized to conduct investigations of criminal engagement in "terrorist activities" if facts or circumstances reasonably indicate that two or more persons are involved in a continuing undertaking for the purpose of:

- Intimidating or coercing the civil population or any segment thereof;

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Figure 3.4

US GOVERNMENT ORGANIZATION FOR
FLEXIBLE RESPONSE TO TERRORIST INCIDENTS

```
                        ┌──────────────┐
                        │     THE      │              •
                        │  PRESIDENT   │
                        └──────┬───────┘
                               │    ┌────────────────────────┐
                               ├────│ SPECIAL COORDINATION    │
                               │    │   COMMITTEE (NSC)        │
                               │    └────────────────────────┘
          ┌────────────────────┼────────────────────┐
 ┌─────────────────┐  ┌─────────────────┐  ┌─────────────────┐
 │   DEPARTMENT    │  │   DEPARTMENT    │  │   DEPARTMENT    │
 │       OF        │  │       OF        │  │       OF        │
 │    JUSTICE      │  │    DEFENSE      │  │     STATE       │
 ├─────────────────┤  └─────────────────┘  ├─────────────────┤
 │   DOMESTIC      │                        │    FOREIGN      │
 └────────┬────────┘                        └────────┬────────┘
 ┌─────────────────┐                        ┌─────────────────┐
 │   THE DEPUTY    │                        │    THE UNDER     │
 │ ATTORNEY GENERAL│                        │ SECRETARY OF STATE│
 │                 │                        │  FOR MANAGEMENT  │
 ├─────────────────┤                        ├─────────────────┤
 │   EMERGENCY     │                        │   OFFICE FOR     │
 │ PROGRAMS CENTER │                        │COMBATTING TERRORISM│
 └────────┬────────┘                        └────────┬────────┘
                      ┌──────────────┐
                      │   MILITARY   │
                      │   SUPPORT    │
                      └──────────────┘
 ┌─────────────────┐                        ┌─────────────────┐
 │      THE        │                        │     HOST        │
 │ FEDERAL BUREAU  │                        │    AND/OR        │
 │       OF        │                        │    OTHER         │
 │ INVESTIGATION   │                        │ GOVERNMENTS     │
 ├─────────────────┤                        ├─────────────────┤
 │ OTHER RESOURCES │                        │ OTHER RESOURCES │
 └─────────────────┘                        └─────────────────┘
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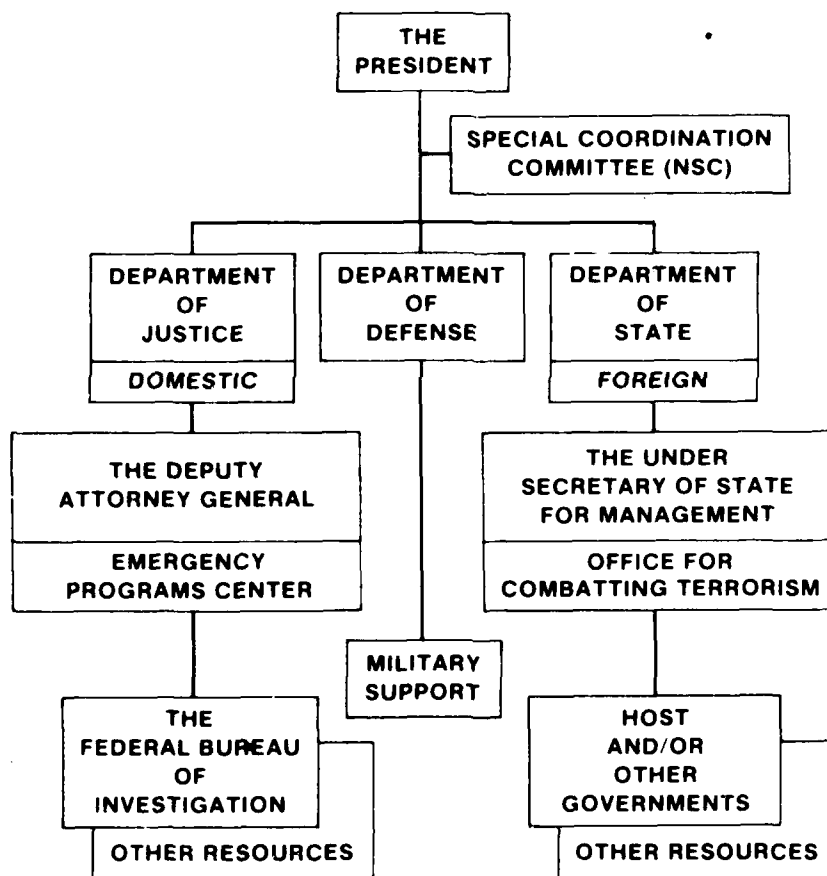
- Influencing or retaliating against the policies or actions of the government of the United States or of any state or political subdivision thereof or of any foreign state, by intimidation or coercion; or

- Influencing or retaliating against the trade or economic policies or actions of a corporation or other entity engaged in foreign commerce, by intimidation or coercion.[16]

The initial tactical response to a terrorist incident is made by the FBI Special Agent in Charge (SAC) at the scene. He is under the supervision of the Director of the FBI who retains responsibility for containing and resolving the crisis. It should be reemphasized that the Deputy Attorney General is responsible for overall coordination of the federal government response, to include policy decisions and legal judgments relating to such incidents. The Department of Justice is linked through a 24-hour Emergency Programs Center to the FBI Operations Command Center. Both centers are located in Washington, DC. The FBI Operations Command Center is in continuous communication with the on-site SAC. Figure 3.5 summarizes incident management by the lead agency for acts of domestic and international terrorism. Domestic terrorist incidents are categorized as nonaviation and aviation by virtue of the law-enforcement role of the Federal Aviation Administration.[17]

In describing the federal government's capabilities for responding to a domestic terrorist incident, former Deputy Attorney General Benjamin R. Civiletti assured the Congress that:

> (1) The government's capabilities to meet the kinds of terrorist acts likely to occur inside the United States are sound and they are sufficient; and

> (2) The plans and procedures for meeting and effectively handling such incidents do not involve any infringement, dilution, or disregard of civil and Constitutional rights.[18]

The FBI possesses a wide range of capabilities to deal with possible domestic terrorism. Each FBI office and head-

Figure 3.5

US GOVERNMENT ORGANIZATION
FOR RESPONSE TO TERRORIST INCIDENTS

THE PRESIDENT

SPECIAL COORDINATION COMMITTEE (NSC)

NATIONAL SECURITY ADVISOR*	SECRETARY OF DEFENSE	DIRECTOR CIA
VICE PRESIDENT	CHAIRMAN JCS	OTHER CONCERNED AGENCIES
SECRETARY OF STATE		

INTERAGENCY POLICY COORDINATION

NSC STAFF*
MEMBERS OF EXECUTIVE COMMITTEE WITH DIRECT INTEREST

INCIDENT MANAGEMENT BY LEAD AGENCY

NON-AVIATION DOMESTIC TERRORIST INCIDENTS	DOMESTIC AVIATION INCIDENTS	INTERNATIONAL TERRORIST INCIDENTS
JUSTICE	FAA — JUSTICE FBI	STATE
DEPUTY ATTORNEY GENERAL EMERGENCY PROGRAMS CENTER		OFFICE FOR COMBATTING TERRORISM

FBI

*CHAIRMAN

quarters has contingency plans that go into effect when a terrorist incident occurs. Such plans are the cornerstone from which all other responses or actions will follow. They include, for example, the chain of command, communications both within and outside the FBI, and the availability of specialized equipment and personnel. In cases involving hostage negotiations, teams of trained and experienced psychologists are available to provide on-the-scene psychological terrorist profiles and analyses to FBI hostage negotiators. The knowledge and experience gained by such teams is shared with local law-enforcement agencies through training sessions at the FBI Academy, Quantico, Virginia, and throughout the nation.

Another asset that equips the FBI to respond to terrorist acts is the Special Operations and Research Unit (SOAR). This group of FBI special agents is trained in psychology and criminology. These agents are well versed in the practical operations of criminal apprehension. The function of the SOAR unit is to accumulate and analyze facts about terrorist incidents and through papers, articles, seminars, and training sessions, to pass on to other law-enforcment bodies guidance on dealing with terrorism. Members of the SOAR unit are also available for on-site consultations.

Other FBI units are Special Weapons and Tactics (SWAT) teams and a Terrorism Research and Bomb Data Unit (TRABDU). SWAT teams are made up of individuals trained in the use of military smallarms and tactics. They are used in a siege or hostage situation where local law-enforcement weapons and apprehension techniques would not be adequate. The SWAT approach, however, is the last resort when negotiations fail. Finally, the TRABDU is tasked with studying terrorist organizations and their members in order to aid in devising better investigative methods to combat such groups.[19]

In addition to the extensive FBI antiterrorism capabilities, the Department of Justice also has available specially trained officers of the US Marshals Service. Other federal agencies may also be called upon for specialized personnel and equipment as may be the resources of state and local agencies. Ac-

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cording to Civiletti, the US antiterrorist program "provides considerable flexibility in responding to a wide range of possible domestic terrorism incidents."[20]

Finally, it is conceivable that resolution of a serious domestic terrorist incident might be beyond the capabilities of the FBI or local law enforcement authorities. In that event, the use of military units could be necessary to restore order and preserve human life. The appropriate role for the US military in responding to domestic acts of terrorism is complex and controversial and beyond the scope of this study; it is envisioned, however, that the use of military force would be required only in extreme cases of highly sophisticated, paramilitary terrorist operations. The Posse Comitatus Act encompasses legal constraint on the use of military force to combat domestic acts of terrorism. The option to direct a federal military response, however, is available to the President under the provisions of 10 USC 332 and 333 (2); a proclamation under 10 USC 334 would be necessary to implement such action. If a federal military response were required, coordination between the Departments of Justice and Defense would clearly be necessary to integrate civilian and military forces. Because of the security classification of such plans, it may only be assumed that the procedures involved closely parallel existing contingency plans for the use of military forces in connection with civil disturbances.[21]

SUPPORT FOR ANTITERRORISM RESPONSE ACTIONS

Supporting the US government tactical operations in response to terrorist incidents of duration are the resources of a number of other federal agencies.[22] They include:

- Foreign intelligence (Central Intelligence Agency)
- Legal advice (Department of Justice)
- Materials, transport, and communications (Department of Defense)
- Nuclear technology (Department of Energy)
- Diplomatic matters (Department of State)

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- Transport technology (Department of Transportation)

- Recovery resources (General Services Administration)

PROTECTION AND SECURITY

In the broad category of protection and security, five agencies are involved in preventive antiterrorism missions. They are the US Secret Service, Federal Protective Service (FPS), Federal Aviation Administration, Inspections Division of the Immigration and Naturalization Service (INS), and the Department of Commerce.[23]

The US Secret Service has the most explicit preventive role in the protection of government officials. By statute, the Secret Service is charged with protecting the President, the Vice President, their families, the President-elect and Vice President-elect, major presidential candidates, former Presidents, visiting foreign heads of government and chiefs of state. The Secret Service Uniformed Division, formerly its Executive Protective Service, is responsible for protecting foreign diplomatic missions in Washington and, in limited circumstances, in other cities. In sum, the Secret Service's protective mission is to prevent violent acts, including terrorism, against those it protects. A hostage-taking terrorist incident directed against a protectee would, of course, operationally involve the Secret Service.

The Federal Protective Service (FPS), a component of the General Services Administration, is normally responsible for the security of US government facilities. The FPS, in conjunction with the occupant agencies of federal facilities, plans for coordinated security against terrorist attacks, as well as appropriate initial responses to such attacks.

The Federal Aviation Administration (FAA) administers the US Civil Aviation Security Program called for by Public Law 93-366 of 5 August 1974. This preventive program requires certain certified air carriers, domestic and foreign, and US airports served by these carriers, to have in effect security measures approved by the FAA Administrator. These regula-

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tions are designed to prevent or deter the carrying of weapons, explosives, and incendiary devices aboard commercial aircraft and prevent unauthorized access to such aircraft. All of these measures are intended to assure a secure airport environment and safe air travel.

The Inspections Division of the Immigration and Naturalization Service (INS) administers immigration and nationality laws with respect to the inspection for admission of all persons arriving at ports of entry in the fifty States, Puerto Rico, the US Virgin Islands, and Guam. Inspectors of the INS, in conjunction with officers of the US Customs Service, employ screening procedures at all ports of entry to bar known terrorists and illegal weapons, explosives, and equipment from the United States. The magnitude of this screening task is considerable: in fiscal 1978, 277.2 million persons were inspected for entry into the United States. Of these, 168.4 million were aliens, of whom approximately 12.4 million arrived by air, 2.6 million by sea, and 153.4 million at land-border points.

Finally, in response to the increasing number of terrorist attacks against the US business community, especially in Latin America, and as a result of the need for a governmental agency sensitive to business interests and concerns, the Department of Commerce established a small terrorism unit in its Industry and Trade Administration.

4. ANTITERRORIST POLICY, ORGANIZATION, AND STRATEGY: A CRITICAL APPRAISAL

ARE THE INFERENCES VALID?

The previous chapter described an elaborate and extensive US antiterrorist crisis management bureaucracy.[1] Accepted at face value, it would appear that (1) the basic antiterrorist mechanisms and procedures have been established; (2) contingency plans for dealing with foreseeable incidents of domestic terrorism are in existence and are continually being refined; and (3) in light of the current status of the terrorist threat, sufficient resources are available. In sum, the federal government is prepared to cope with terrorism. But are these valid inferences?[2] To answer this question, this chapter examines two aspects of the US antiterrorist program—policy and organization—and discusses a proposed strategy to combat and deter domestic terrorist incidents.

POLICY ISSUES

The US antiterrorism program has been officially described as "a program of action which has concentrated on prevention and deterrence as well as effective crisis management."[3] Policy in support of this program makes clear US determination to combat terrorism. The heart of that policy is the commitment to resist terrorist blackmail: not to pay ransom or otherwise submit to terrorist demands. President Reagan has warned:

> Let terrorists be aware that when the rules of international behavior are violated, our policy will be one of swift and effective retribution. ... We live in

an era of limits to our powers. Well, let it be understood there are limits to our patience.[4]

Steve R. Pieczenik, former Deputy Assistant Secretary of State, in a *Washington Post* article wrote:

> The unpleasant reality is that we do not have a serious antiterrorist policy any more; it was left in a shambles in Tehran after being ignored for years anyway. Even if we did have a policy, moreover, we don't have the professionals or the organization capable of carrying one out.[5]

The charges by Mr. Pieczenik are serious ones. According to Pieczenik, if the United States is to deal more effectively with terrorism, a number of shortcomings must be corrected. These include persuading the President to avoid personal involvement; sharpening our special military strike force; creating an organization of specially trained, nonpolitical crisis managers with clear jurisdictions and well-laid contingency plans; taking necessary precautions wherever feasible; and making sure that top officials who will make the ultimate decision become much more familiar with the dynamics of terrorism. More importantly, it would help if we had "a clear and reliable policy toward terrorism beyond declaring our determination to fight it."[6]

While there have been tactical successes in responding to terrorism, a great deal of work in developing effective US policy remains to be done. To date, the United States has been unsuccessful in its attempt to move the international community towards establishing enforceable countermeasures to prevent or punish acts of international terrorism. And even though steps have been taken to limit domestic terrorist effectiveness, e.g., implementation of airport security measures and establishment of special weapons and tactics law-enforcement teams, a number of problems remain unsolved for US policymakers. They include jurisdictional responsibility, lines of authority, intelligence-gathering, training and equipment of law-enforcement agencies, acceptable concessions to terrorist demands, and the use of force to preclude drastic ac-

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tions by dedicated terrorists. Countermeasures of varying levels of sophistication should be on tap to preclude overreaction to small-scale terrorist acts or underreaction to major ones.

According to one senior-level government official, "Terrorism is a major issue for the United States." Even though the United States has "defined a policy which makes clear our opposition to terrorism and our determination to combat it," such policy "must be backed up by concrete actions"—good intelligence, sound physical security and the ability to respond quickly and effectively in a crisis. Warning against the notion that "it can't happen here," the chairman of the recently-established Senate Subcommittee on Security and Terrorism warned that the "new threat of terrorism is endangering freedom in the United States and elsewhere."[7]

The problem in combatting terrorism is a serious and difficult one, confronting policymakers with a number of unaccustomed problems. First, the terrorist adversary does not follow the established rules of warfare or diplomacy. Thus, dealing with terrorists poses different challenges than attempting to negotiate with other governments. Second, terrorism is intermittent. Except where terrorism develops into virtual guerrilla warfare (Uruguay in the 1960s, Argentina in the 1970s, Central America since 1975), most countries experience only sporadic terrorist problems. Thus, government officials may consider terrorism a mere nuisance. Third, terrorism tends to fall between the recognized missions of US agencies—a point most germane to the current US antiterrorist program. Finally, in the absence of mutual cooperation and understanding between law-enforcement authorities and the news media, what guidelines can be developed which will not raise questions involving the First Amendment? If a spectacular, terrorist-induced crisis unfolds, such as the one portrayed in the FALN scenario, policymakers will have to deal with news leaks to the press, and TV requests for live coverage of the event and possibly interviews with the terrorists. Public-affairs considerations will require close and continuous attention at a high level.[8]

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From a policy perspective, one of the most important tasks for the government in planning to defeat political terrorism is to identify in advance the areas that may inhibit or confuse decisionmakers during a terrorist confrontation. The government must establish specific responsibilities for key authorities who will be resolving such incidents. The scenario that introduces this study raises complex questions; for example, who is to be in charge? What authority is to be delegated to the on-the-scene commander? Assuming military units are involved, what is to be the civilian-military relationship? Further, policymakers attempting to resolve a domestic terrorist incident with international implications must have prior understanding of a host of points. For example, state and federal decisionmakers must understand the limits of response acceptable to US citizens. Also, policymakers must possess insight as to the likely position of foreign governments involved in the incident. What will be their position on the release of "political prisoners"? And finally, those in charge must consider world opinion of the management of the incident. Crisis managers must consider these points and more in arriving at decisions in confronting political terrorists.

To deal effectively with serious acts of political terrorism requires preparing and pretesting a broad range of realistic scenarios and contingency plans. Therefore, as the terrorist threat evolves during the 1980s, officials at the highest levels of government must continuously review policies that could constrain the responses of federal and state agencies. Greater cooperation must be developed between law-enforcement agencies at the federal level, as well as closer liaison between federal and local governments. Until recently, terrorism has not been high on the national security agenda. In the years ahead, the United States cannot afford to be less than fully prepared to deal with the "primary form of conflict" in the world.[9]

As organized, the US antiterrorist program is prepared to deal effectively only with terrorist incidents of little consequence. Policymakers cannot be content to deal with the conventional terrorism of the 1970s—hijacking, kidnapping, and

hostage-and-barricade incidents. They must look to the future to ensure that policy is readied to meet new terrorism whatever the tactics or targets. There must be new understanding between policy and operational levels of government. In sum, to deal effectively with terrorism, officials must insist upon detailed planning, coherent policy, and prudent decisionmaking.[10]

ORGANIZATIONAL ISSUES

From our earlier discussion, it is apparent that no single department, agency, or office in the US government has total responsibility for combatting terrorism nor the authority and means to do so. Based on the lead agencies concept, circumstances may determine who takes charge initially in response to an act of terrorism. Subsequent changes in the situation may bring in new departments and agencies which then compete for leadership. A single act of terrorism may cut across several bureaucratic domains, making coordination difficult and time-consuming. Even with the past emphasis that the United States has given acts of international terrorism, the Department of Defense (DOD) has not assigned a military liaison officer to the State Department's Office for Combatting Terrorism, a fact which casts doubt on the ability of DOD to respond promptly to terrorist incidents.[11]

The problem of interagency coordination becomes more complex when federal, state, and local departments and agencies become involved in domestic acts of terrorism. The following is an example of jurisdictional and organizational problems.

> In New York City unless a federal statute has been violated, thereby involving the FBI, the local police are responsible for law enforcement. Even in a federal matter, like the Croatian incident, the Federal Aviation Administration and/or the State Department may be responsible rather than the FBI. Plans for emergency readiness are even more chaotic: for example, in 1977 in the United States, 175 interagency committees and groups would be involved in the case of a nuclear terrorist incident.[12]

The United States has a crisis-management structure which is meant to combat terrorism. But it is debatable whether the current organization is structured to manage a major domestic terrorist crisis. There is no question that when such a crisis occurs the American public will demand, in no uncertain terms, that policymakers resolve the crisis quickly.

A flexible crisis-management structure, well-rehearsed in terrorist policy formulation and contingency planning and implementation, is essential. Crisis managers must be carefully selected, properly trained, authorized to deal with a host of complex problems, and available to respond at the least convenient times. In the US political system, the tenure of senior officials may be a few years or a few months; therefore, a stable core of knowledgeable people sensitive to the inner workings of the antiterrorist structure becomes imperative. As in the past, the President would assume a central position and play an essential role in any major terrorist incident occurring in the United States.[13] But in order to issue the necessary decisions and guidance, the President must receive timely and accurate information from competent agencies which fully understand their responsibilities in the bureaucratic hierarchy. Recently, there have been improvements in the antiterrorist program, yet many questions about the effectiveness of the current decisionmaking structure remain unanswered.

First, we might question whether giving the US government antiterrorist program a formal name is not undesirable. There is no doubt that some structure is necessary to coordinate government efforts. But since one of the primary goals of political terrorists is to obtain publicity, then one wonders if giving the program a formal title may actually help terrorism inflate its own importance.[14]

A second question involves the Special Coordination Committee (SCC). Does the SCC, the focal point for oversight of the US program and comprising the statutory members of the National Security Council and other senior officials, possess the necessary skills and knowledge of terrorists to provide sound recommendations to the President? Perhaps this

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function is at too high a level, where generalists rather than technical specialists predominate.

The chairmanships of the Executive Committee on Terrorism (ECT) and the Working Group on Terrorism (WGT) reflect the focus of the US antiterrorist program. Both are chaired by representatives of the Department of State with the deputy chairman a representative of the Department of Justice. Should the Department of Justice assume the chairmanship of the WGT? What decisionmaking function does the WGT perform?

As previously discussed, the WGT is composed of representatives from some twenty-nine agencies. The primary responsibilities of this group include exchange of information, resolution of jurisdictional issues, and coordination of activities. The underlying concept behind the working group and its executive committees is preparedness.[15] But to what purpose? Regardless of whether meetings occur once a week or once a month, it is not a decisionmaking apparatus. The group merely provides a means of keeping in touch with one another, a useful but inadequate exercise. Real decisions are made in the individual departments or agencies. The members of the WGT are dedicated officials attempting to resolve the problems at hand. But lack of WGT policymaking authority may cause agency and departmental roles-and-missions parochialism to prevail. As a result, individual representatives may have little influence within their own departments or agencies. Thus, the WGT has little power. In sum, the WGT may be well-suited to handling day-to-day concerns, but when confronted with a serious domestic terrorist incident the group may contribute little to timely efforts to deal with the crisis. Thirty agencies cannot manage response to a terrorist incident.[16]

A fourth question concerns whether the Federal Bureau of Investigation is spread too thin to function properly in regard to terrorism. The full responsibility for countering terrorist actions is a recent addition to the FBI's workload as the investigative arm of the Department of Justice. (The 1968 Protection

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of Foreign Officials Statute expanded FBI responsibility for terrorist actions.) With only approximately eight thousand agents and fifty-nine field offices in all the United States and its territories, the FBI is already overextended in investigating a multitude of crimes; countering domestic terrorism is one of the FBI's lower priorities—number seventeen according to one evaluation.[17]

Although the FBI has official authority for handling domestic acts of terrorism, twenty-six other federal law-enforcement agencies could have a direct responsibility for the handling of a terrorist incident. A real-world domestic terrorist incident would initially be handled, successfully or disastrously, by the immediate on-the-scene law-enforcement agency. One cannot help surmising that many local law-enforcement agencies would not know when to notify the FBI. Thus, the incident could be admirably handled or catastrophically bungled by the time the unit with adequate know-how and authority arrived on the scene. As may be seen, the nature of tactical response is a complex issue germane to the current US anti-terrorist program. In some domestic terrorist situations the federal government—including the FBI—may not have sufficient legal authority to become actively involved. In short, the interaction between federal and state jurisdictions regarding terrorism is murky and ill-defined.[18]

Another major question regarding the ability of the federal government to respond effectively to acts of domestic political terrorism involves one aspect of Reorganization Plan Number 3 of 19 June 1978. This reorganization plan merged the federal government's emergency preparedness and disaster response programs and established a new independent agency to administer them: the Federal Emergency Management Agency (FEMA). Two emergency functions not previously assigned to any specific agency were also placed under the purview of FEMA—coordination of emergency warning, and federal response to consequences of terrorist incidents.[19]

An aim of FEMA vulnerability assessment is to point up improvements of construction, layout, and security hardware

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that could make given strategic installations harder to damage. while positing attack scenarios that would require consequence management" (e.g.. area evacuation, decontamination. water treatment). In addition, the agency monitors terrorist incidents in progress and reports the status of consequence management efforts, as required. to the President. Thus, FEMA has received significant responsibility for planning and emergency preparedness for terrorism. To be effective, FEMA must insure that bureaucratic uncertainty does not paralyze the government when the time comes to confront a major domestic terrorist situation.[20]

In an attempt to clarify FEMA's role, the former Director of the Office of Management and Budget, James T. McIntyre, in testimony before the Senate, stated that regardless of FEMA's responsibility for "coordination of preparedness and planning to reduce the consequences of major terrorist incidents," the present executive branch responsibilities for prevention and control of terrorist incidents are not altered. Considering bureaucratic behavior, one cannot help but question the implications of the interaction of FEMA with the current Special Coordination Committee, National Security Council.[21]

The responsibilities for FEMA's consequence management of terrorism are not clear. Effective coordination between FEMA and federal and state agencies may be most difficult. Three examples, all of which are appropriate to the scenario described at the beginning of this study, demonstrate this complexity. How would the FBI react if ordered by FEMA to clear, subordinate, or coordinate all administrative decisions regarding a domestic terrorist incident before taking action to reduce the possible consequences of a terrorist situation? If requested by FEMA to limit or restrict its dealings with host governments regarding a terrorist situation, what would the Department of State reaction be? And finally, would the Department of Defense react to directions from FEMA to provide transportation, communication equipment, and personnel to deal with a terrorist situation? In sum, FEMA being somewhat below the relative status of cabinet departments. the alacrity

with which federal agencies would respond when it set about "coordinating" them is open to question.[22]

STRATEGY

The primary goal of US policymakers confronting terrorism must be to make it a strategic failure. This entails thwarting both material and political gains for terrorists. US policymakers, therefore, must excel terrorists in inventiveness.[23]

We must remember, however, that even the best intelligence system and physical security efforts at times will fail. Therefore, the US government cannot afford to be complacent, but must be prepared to manage terrorist crises. Policymakers charged with the responsibility of combatting terrorism must be ready when terrorists strike. Effective contingency planning and crisis management are essential.

Organizational arrangements, communication systems, clear lines of jurisdictional responsibility, established policy, and a fine-tuned crisis management chorus must be in place if the government is to function efficiently. Overreaction or underreaction to a major act of terrorism could impair US government credibility. To be successful in the fight against terrorism, the US government must be prepared to confront a terrorist crisis in such a way as to assure the public that reasonable action has been taken. To be effective, the US antiterrorist program must fit within routine activities of government and ensure an ability to mobilize resources at the required time. More important, the program must be part of US national security strategy.[24]

It is essential that US policymakers adopt some working notions about terrorism as a conceived strategy. To date, the primary concern of the US antiterrorist program has been responding to international terrorist situations, and attempting, unsuccessfully, to obtain world-wide condemnation of terrorism. The policy community must shift from its reactive mode and take the initiative by restoring a psychological "invisible wall," shattered by terrorist success against highly placed tar-

gets, so as to convince would-be terrorists that daring attacks would be disastrous failures. Such a strategy must establish the countermeasures to put the government in control of events rather than at the mercy of terrorists. Such a strategy would take into account the potential capability of political terrorists to inflict great destruction on US citizens and property. Policymakers must continually ask: What domestic acts of political terrorism may generate "acute insecurities" among the American public and lead to broad political consequences? How may they be deterred and combatted?[25]

Ultimately, an effective and cohesive US antiterrorism program will require centralized direction and formal interagency planning and management, as well as clear lines of responsibility and authority. In addition, state and local authorities must understand, cooperate, and participate with the federal level. Such an organization carries with it numerous advantages which will increase the US ability to respond in an effective, timely fashion. These advantages include facilitating the development of cross-agency contingency planning and preestablishing lines of authority, crisis management techniques and routines, and emergency preparedness programs. For the most part, such developments have not occurred. The FBI Charter Act of 1979, however, was a step in the right direction. This act outlines the authorities, duties, and responsibilities of the FBI in the field of foreign intelligence and counterintelligence. The charter makes clear to other federal law-enforcement agencies the nature and extent of the FBI's investigative activities and its authority to collect information on terrorism.[26]

NO ULTIMATE VICTORY

In the years ahead, the United States may be confronted with more serious domestic terrorism. What and how much should be done to counter the threat are questions that ultimately must be answered by senior-level US policymakers. The primary policy goal is to defeat those who would use terror to obtain political objectives.

Total victory over terrorism can only be approached as an unattainable limit. Terrorism as a highly theatrical, spectacular, and emotional mode of political expression will remain so tempting that it should compel the United States to maintain the most effective crisis-management structure possible. Therefore, US policymakers should orient their efforts to a set of continuing tasks: to relieve the conditions that may lead to terrorist violence; to contain terrorism within tolerable limits; to deter the more heinous acts of terrorism; and to respond effectively to terrorist incidents that do occur. Policymakers must above all demonstrate competence. The government may not always win. But it must show that US policymakers, not terrorists, are in charge. This is the mission facing the policy community during the remaining years of this decade.[27]

In sum, a well-defined crisis management structure is the centerpiece behind any successful governmental antiterrorism program. However, effective and preventive counterterrorist intelligence is an essential element to that program. The next chapter invites attention to some serious gaps in our intelligence methods and data base.

5. THE THREATENED ROLE OF INTELLIGENCE IN COMBATTING TERRORISM

ESTABLISHING THE PROPER BALANCE

The US antiterrorist program's primary goal must be to make terrorism a strategic failure and the attainment of political gains by terrorists unlikely. If the United States knew beforehand when, where, and how an act of domestic political terrorism would unfold, a number of measures could be implemented to thwart terrorist attacks. Because prior knowledge of terrorist intentions and capabilities is almost essential, intelligence is the first line of defense in combatting and deterring political terrorism.[1]

A former staff member of the Senate Select Committee on Intelligence, Richard K. Betts, places a great deal of the blame for strategic intelligence failures on policymakers. Betts stresses the importance of policy-level interaction with the intelligence analysts.

> By the narrower definition of intelligence, there have been few major failures. In most cases of mistakes in predicting attacks or in assessing operations, the inadequacy of critical data or their submergence in a viscous bureaucracy were at best the proximate causes of failure. The ultimate causes of error in most cases have been wishful thinking, all the premises and preconceptions of policymakers.[2]

Unfortunately, this "viscous bureaucracy" may inhibit timely reaction to a serious domestic terrorist incident.

For intelligence to be an effective weapon against terrorism it must be kept secret. It is not surprising that both the Israeli and the British intelligence services have been effective in preventing terrorism through their wise use of intelligence and by agent penetration of terrorist organizations. In the United States, however, the use of spies and double agents to forestall terrorist organizations has been opposed on legalistic and moral grounds. Yet, a former high-level governmental official warns: "Only through spies within terrorist groups can we learn of their plans in time to thwart them."[3] Appearing before a congressional subcommittee, the former Director of the Office for Combatting Terrorism of the Department of State has also stated:

> Sound, up-to-date intelligence is essential if we are to be informed in advance of likely incidents. Without it we cannot take the necessary counter-measures nor will we have available sufficient information on which to make decisions in an actual crisis situation.[4]

The US intelligence community, however, suffers a number of impediments in responding to terrorism. For example, surveillance of individuals is seen as infringing upon basic individual rights and freedoms, even though the brutal actions of terrorists trample these very rights and freedoms.

It goes without saying that the rights of the individual must be considered as sacred and not infringed upon. The bond of trust existing between the US government and its citizens must be preserved; otherwise, the United States will no longer remain a free and democratic society. Thus, a major problem facing US policymakers is one of striking a proper balance between the rights of citizens to privacy and the rights of all to freedom from fear, injury, and even death at the hands of terrorists. To date, the concept of preventive policy has not been endorsed by the elected representatives of US society; as a result, the collection and dissemination of terrorist intelligence in the United States has been impeded.[5]

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THE INTELLIGENCE-GATHERING PROCESS

Within the United States and its territories, the Federal Bureau of Investigation (FBI) is charged with collecting and disseminating intelligence on both foreign-directed and domestic groups engaging in or planning acts of terrorism. The domestic intelligence-gathering capability of the FBI is an important tool in preventing serious incidents of terrorism. The extent to which the FBI can develop more effective preventive intelligence is of crucial importance in any comprehensive antiterrorist program.[6]

In order to guard against the danger of constitutional shortcuts, the Justice Department has adopted guidelines controlling the collection of intelligence on and the conduct of preventive investigations of suspected terrorists.[7] These guidelines are designed to ensure that the focus remains on violent or criminal activity, not the exercise of First Amendment rights. They restrict investigative efforts that may be directed at groups suspected of terrorism until a sound factual basis for believing the groups, or individuals, are actually engaging in or plainly planning terrorist acts. In addition, the guidelines recognize that the government's response to terrorism will vary with the situations presented. The nature and magnitude of a particular threat, its likelihood and immediacy, as well as the danger to privacy and free expression of ideas that an investigation of ideologically motivated crimes may present, must all be weighed. The high investigative threshold associated with these guidelines, however, severely inhibits the type of early intelligence-gathering required of the FBI to deal with acts of domestic terrorism. For example, the Bureau cannot collect publications of domestic organizations composed substantially of US persons unless probable cause exists that a crime is imminent. While all FBI officials do not agree, these guidelines have reportedly limited counterterrorism and counterintelligence operations to such strict standards that they have been interpreted as prohibiting surveillance of Puerto Rican terrorists who after release from prison vowed to strike again, and of a known member of the

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Red Brigades who had entered the United States openly to raise funds for fellow terrorists.[8]

Intelligence-gathering is a critical process which can serve as an essential tool for combatting terrorism and provide an invaluable contribution to US policymakers and law-enforcement authorities. Intelligence also helps to guide and shape law-enforcement policy and strategy through continuous questioning, probing, assessing, reassessing, and evaluation of raw data. When used properly, intelligence can facilitate a more thorough understanding of the complex phenomena of terrorism and increase the likelihood that appropriate policies and strategies can be developed to combat and deter acts of political terror. Without such understanding, insight, and capability, however, policymakers and law-enforcement authorities must operate in a vacuum, responding to crisis situations in an ad hoc, unorganized, and nonsystematic manner.[9]

Intelligence data provide the basis for systematic management by identifying potential terrorist groups, their memberships, plans, and capabilities. Political terrorists do not generally possess the strength to launch a frontal attack. They thus rely on anonymity, surprise, and guerrilla tactics to obtain their specific goals. Because terrorist organizations operate covertly, similar methods of investigation and intelligence-gathering are necessary to combat and obstruct their plans. Such methods may include the use of electronic surveillance techniques, physical surveillance of suspects, infiltration of suspect groups by undercover agents, development of a network of informants, and establishment of computerized dossier systems of suspects and known terrorists.[10]

Current FBI constraints (to be discussed in detail later in this chapter) permit surveillance of individuals only if there is probable cause indicating that he or she has violated or may soon violate the law. Unfortunately, terrorist violence does not usually develop spontaneously but typically grows in stages. Extreme elements become dissatisfied with the system. This dissatisfaction leads to the formation of a terrorist cadre and

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movement that typically goes underground, establishes safe-houses and clandestine communication networks, and begins to store arms. Once they are underground, it is virtually impossible for authorities to penetrate terrorist organizations. Therefore, it is essential that authorities be allowed to maintain moderate surveillance over extremist movements and be prepared to escalate their surveillance whenever groups seem likely to engage in terrorist activities.[11]

INTELLIGENCE PRODUCTION PHASES

Intelligence production for both domestic and international terrorism has four distinct phases—targeting, collection, analysis, and dissemination. As these particular phases are subsequently discussed, three questions pertinent to the Fourth of July scenario might be pondered: To what extent would the intelligence production phases have been applied by law-enforcement agencies to preclude such an incident; would they have been able to? Do current investigative guidelines, constraints, and restrictions on law-enforcement agencies hinder the surveillance of revolutionary groups such as the FALN? How does the current bureaucratic division within counterintelligence between domestic and foreign matters hinder intelligence-gathering needed to deter acts of terrorism?

Targeting is the directing of intelligence effort at specific targets. However, targeting against terrorist groups is a difficult process. To be useful, intelligence estimates must bear some relationship to policy needs. Thus, the intelligence collector must understand the specific tasking and requirements of the policymaker in order to establish intelligence priorities. The lack of a definitive policy will invariably result in a similar deficiency in the targeting of intelligence resources against terrorist groups. Terrorists learn from varied and shared experiences and take great precautions to prevent detection or penetration. Terrorists attempting to enter the United States with the intent of carrying out an attack require support in terms of documentation, lodging, transport, and equipment. To operate, terrorists must have some form of structure and or-

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ganizational framework. In addition, they must communicate and move. These are, then, the key weaknesses that US intelligence targeting must seek to exploit. However, legislative and executive restrictions (the specifics of which will be discussed shortly) on the counterintelligence elements of the FBI and CIA have placed severe limitations on the capability of US intelligence agencies to capitalize on such weaknesses.

The second phase of intelligence production, collecting information on terrorists, should include both overt and covert means. But in today's atmosphere, a host of factors preclude adequate collection. These factors include budget cuts among competing governmental agencies' programs, congressional refusal to permit adding 125 FBI positions to cope with the increasing number of Soviets within the United States, the loss of valuable information because sources fear exposure under the Freedom of Information Act, and the "chilling effect" on initiatives. As to the latter point, FBI agents are seeing colleagues who were carrying out assigned tasks faced with legal prosecution and current investigative guidelines contributing to the reduction of domestic intelligence cases (21,414 in July 1973 to 102 in February 1978). Further, the emphasis on personal privacy that requires an individual to be notified if he becomes the target of an investigation is eliminating the possibility of carrying out a full-fledged examination of evidence.[12] Covert collection of information must use all legal means available, including penetration by undercover personnel and physical surveillance, and must emphasize linkages between regular criminal investigations and terrorist operations. For example, what might appear to be a bank robbery solely for profit could be part of a terrorist fund-raising operation. Finally, information on terrorists should be stored in a centralized computer system, thus enabling law-enforcement officials to retrieve pertinent data with speed and accuracy.

In the analysis phase of the security intelligence process, the various strands of information are woven together and subjected to critical analysis to produce the final product, an intelligence assessment. This assessment must be timely, accurate, and complete. Intelligence assessments of potential

terrorist operations must be disseminated rapidly to the appropriate federal, state, and local officials, and they must be read. Unfortunately, in times of domestic tranquillity, senior policymakers are often preoccupied with more urgent political matters, and often give low priority to intelligence assessments dealing with "alarmist" terrorist reports or vague future problems.[13]

THE CRISIS IN US INTELLIGENCE

In the aftermath of the Vietnam War and Watergate, the intelligence capability was seriously eroded by executive and congressional action and major pieces of legislation. This curbing of US intelligence activities, as I shall subsequently discuss, applies to both federal security functions: to the domestic, carried out primarily by the FBI, and to overseas intelligence, chiefly a CIA function.

Since the mid-1970s, several concerns about the role of US intelligence have been shared by the American public and the Congress. One such concern has been the action taken by a group of citizen organizations in Chicago to negotiate court-approved agreements prohibiting unwarranted surveillance by the police and other agencies. The negotiations, ongoing since 1979, are an outgrowth of lawsuits filed against the city by a group of organizations which argue that they were the victims of illegal spying by a special unit of the Chicago Police Department, the Red Squad, a unit used to keep track of politically active organizations and individuals. In some instances, it is alleged, members of the now defunct unit infiltrated political, civil rights, and civic organizations, gained powerful positions in them, and then sought to destroy the organizations from within. The spying effort, according to the citizens' organizations, at times involved the Federal Bureau of Investigation, the Central Intelligence Agency, and a US Army intelligence unit.[14]

In a similar case, the New York City Police Department recently ended a nine-year-old court battle by agreeing to create a three-member board to oversee all police intelli-

gence-gathering and surveillance involving political groups and activists. All police work of this type is to be conducted under a formal set of guidelines aimed at safeguarding political activities covered by the First Amendment. In part, this battle stemmed from the actions of the early 1970s when FBI Special Agent John J. Kearney, with the knowledge of Bureau executives Edward S. Miller and W. Mark Felt, led Squad 47. This squad was a specialized antiradical task force in the New York FBI field office, which apparently conducted unauthorized entries and illegal wiretaps.[15]

Those who defend police surveillance operations argue that the purpose of law-enforcement intelligence operations is to acquire information that justifies reasonable suspicion which in turn allows the conduct of other needed law-enforcement activities. To require reasonable suspicion before law-enforcement authorities can make an arrest is an acceptable condition. However, to require reasonable suspicion before any investigation can be conducted places law enforcement authorities in an impossible Catch-22 situation. They cannot act without reasonable suspicion but are prohibited the activity from which reasonable suspicion normally derives.[16]

Current FBI guidelines restrict investigative physical, mail, and electronic surveillance to lawful government purposes and recognize constitutional rights to personal privacy. But some law-enforcement agencies tend to begin surveillance early due to the difficulty in penetrating terrorist organizations and the lack of informers. This temptation increases with the sophistication of surveillance gear—the natural tendency to make use of "new toys." As new capabilities are added to the intelligence repertoire, the temptation to use the new technology unchecked may be very difficult to control.[17]

Another concern regarding the role of intelligence is that while the US intelligence services should protect against foreign activities hostile to US national security, for them to protect the nation against its own citizens could violate their constitutional rights. To insure these rights, restrictions on the activities of intelligence services were established by Presi-

dents Ford and Carter. Presidential control over the CIA through the National Security Council was redefined and in addition, the CIA's operations were more clearly separated from the functions of the FBI—a point to which I will subsequently return—presumably to preclude the possibility of domestic CIA operations. Also, the semiautonomous role of the 40 Committee in approving CIA covert operations vanished.[18]

Concern over the need to guard against any violation of the rights of Americans was also a primary factor in the creation of the Senate Select Committee on Intelligence in 1976 as a permanent follow-on to the Church committee and the establishment of the House Permanent Select Committee on Intelligence in 1977.[19]

Numerous events and pressures have brought about the erosion of the American intelligence system. Together, they have left a legacy of corrosive distrust of the Executive Office. Perhaps the most powerful and pervasive development undermining the intelligence system was the disappearance of the foreign-policy consensus to contain the Soviet Union, a consensus partially restored by the advent of the Reagan administration. This consensus was the raison d'être of the CIA during the first twenty years of its existence.[20]

Another element contributing to the intelligence crisis is agitation by anti-intelligence groups, e.g., the Institute for Policy Studies, the American Civil Liberties Union, and the Center for National Security Studies. All oppose US intelligence activities, especially those involved in counterintelligence, covert agents, and covert action. Advocates argue that past and present US intelligence activities have violated the rights of US citizens. The concern the anti-intelligence groups profess is that the FBI and the CIA et al., might become a kind of secret police along Gestapo .nes, planting microphones on the unsuspecting, reading private correspondence, compiling dossiers on the innocent, and abusing the rights and freedoms that are part of the American inheritance. These aggressive, well-organized, and well-financed groups also maintain that the unrestrained growth of the intelligence agencies has cre-

ated a lawless state. These groups have, over the past decade, become key players in Washington. Members have helped draft important legislation, served as advisers and consultants to congressional committees, and published numerous books, journals, and periodicals. Because these groups are highly adept at propaganda and have ready a "reform" agenda, they are able to mobilize vociferous lobbying campaigns that have influenced the mood of Congress.[21]

The decisive element of all the pressures which has impacted most significantly on the erosion of American intelligence agencies and their activities is the Congress. By combining legislation, oversight arrangements, and the power of investigation during the intelligence hearings of 1975–76 to apply political pressure on the CIA and FBI, and using the weapon of prescriptive publicity, a historic form of social control, Congress obtained national approval for the legislation which now governs intelligence operations. Major legislation and executive restraints affecting US internal security are summarized in the following paragraphs.[22]

LEGISLATIVE AND EXECUTIVE RESTRAINTS

The Hughes-Ryan Amendment provides that no Foriegn Assistance Act funds can be spent by the CIA for operations not intended solely for the collection of information, except case by case as and when the President finds each operation important to US national security and so reports in a timely fashion to the appropriate congressional committee. The amendment, signed into law by the President on 30 December 1974, makes it extremely unlikely that the CIA will attempt to initiate covert action without the clear-cut authorization of the President and the knowledge of Congress. By the same token, Hughes-Ryan made it virtually impossible for the President or Congress to deny plausibly any CIA operations which might be uncovered. They were locked in by the new reporting procedures.

The amended Freedom of Information Act (FOIA) of 1974 allows greater public access to classified information via

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declassification than did the 1967 act. In case of dispute, it permits the courts to review the classification of government documents. Executive agencies are required to reply to requests for classified information within ten days. This particular aspect of the FOIA is a very time-consuming administrative task requiring a great many man-hours. Indications are that certain information once maintained by intelligence agencies is no longer maintained. As finally approved, the amended act states that in the field of national defense and foreign policy only specifically classified material may be withheld from the public. The amendments to the FOIA were vetoed by President Ford on 17 October 1974, the veto was overridden by Congress on 21 November 1974, and the amendments became law on 19 February 1975.

The Privacy Act of 1974, section 2, permits an individual to determine what records pertaining to him are collected, maintained, used, o, disseminated by government agencies. In general, the right to examine such records is upheld by a series of statutory provisions, backed by civil and criminal sanctions. One provision of section E(7) of the Privacy Act is considered, by many, to weaken federal security even more than the amended FOIA. The provision bans the keeping of records s!...ving how any individual exercises rights guaranteed by the First Amendment unless authorized by statute or in the course of an actual law-enforcement inquiry. In other words, the keeping of records on individuals on the basis of their belonging to revolutionary and subversive groups is barred. The Privacy Bill was passed by the Senate and the House on 17 and 18 December 1974, respectively, and became law on 27 September 1975.

The role of the Freedom of Information Act and Privacy Act in the erosion of intelligence-gathering capabilities was discussed at length at the January 1980 meeting of the International Association of Chiefs of Police (IACP). The IACP President, Joseph S. Dominelli, Chief of Police of Rotterdam, New York, stated that the FOIA and the Privacy Act allow criminals the right to know what law enforcement is planning.

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and prevent the police from gathering intelligence in criminal conspiracies.[23]

As a result of congressional investigations and the uncovering of abuses in the area of warrantless wiretaps, the Foreign Intelligence Surveillance Act (FISA) was signed into law on 25 October 1978. The intent of this act is to protect the rights of Americans by limiting the use of wiretaps and hidden microphones to cases involving violations of federal law, actual or contemplated, and even then only on a case-by-case finding that the surveillance is legal, that is, by judicial warrant. To obtain such a warrant, newly created special judges must be satisfied that the person to be placed under surveillance meets the criminal standard—there must be probable cause to believe that the person is knowingly engaged in clandestine intelligence activities which involve or may involve a violation of the US Criminal Code; or that the person is committing, preparing to commit, or is aiding in the preparation or the commission of acts of terrorism or sabotage on behalf of a foreign power. In short, surveillance is now limited to law enforcement; it cannot legally be used simply to obtain sensitive information. For a US citizen to be liable to surveillance, that person must not only engage in but must also be aware that he is engaging in criminal activity.

There is no doubt that the FISA increases the protection of US citizens, as well as most foreign visitors, from warrantless electronic surveillance. The act also restricts US intelligence capabilities. For example, surveillance of most foreigners visiting the United States is prohibited. Thus, positive intelligence cannot be obtained on one potential intelligence target, international terrorists. Another criticism of the FISA is that intelligence agencies must promptly destroy all electronic intercepts not obviously related to a violation of the law. Collecting a chain of information that may in time establish linkage with significant intelligence findings is effectively curtailed.[24]

Traditionally, the United States has had strong defenses against political extremism and subversion. The best deterrent

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to terrorism of course is the terrorist's realization that his act of violence will be unsuccessful. The prospect of imprisonment or the death penalty does little to deter a person who has keyed himself to kill or die for a particular cause. Successful detection and conviction of terrorists therefore depends, in part, on intelligence provided by informers who have had contact with the terrorists. Informers, however, dare not talk to law-enforcement officials unless they are confident their identity will be kept secret from anyone remotely connected with the organization about which they inform. The FOIA and the Privacy Act inhibit this source of intelligence.[25]

Throughout the years, the internal security threat to the United States was met by FBI surveillance of suspect organizations, based on the premise that revolutionary beliefs may lead to acts of violence. This doctrine was upheld by the US Supreme Court in the *Dennis* verdict and followed by state and local police forces. The FBI's investigative and counterintelligence role was reinforced by liaison on the federal level with such institutions as the Civil Service Commission and the Internal Security Subcommittees of the Senate and House Judiciary Committees. In addition, there was extensive exchange of intelligence data between state and local law-enforcement agencies. Unfortunately, all of these arrangements have been reduced and some virtually eliminated.

EFFECTS OF DEVELOPMENTS ON THREE LEVELS OF US INTERNAL SECURITY

Even though the measures discussed above relate mainly to the investigative aspects of internal security, there has also been a pronounced diminution of the domestic intelligence functions at the federal, state, and local levels which in turn has impacted on the role of the FBI, state, and local police.

On the Federal Level

Destruction of Information. On 9 February 1978, Alan K. Campbell, Chairman of the Civil Service Commission (CSC), testified to the Subcommittee on Criminal Laws and Procedures of the Senate Judiciary Committee on the effect of re-

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cent security legislation. According to Campbell, the Privacy Act of 1974, Section E(7), eliminated the CSC's security research files, which a special unit had maintained since 1942. The files included a mass of organizations considered to have aims inimical to the interests of the United States. Campbell also testified that many law-enforcement agencies at the state level no longer retained security files; thus, a great deal of information that once was relayed to Washington is now nonexistent. The security research files, and their accompanying index, have not been used by the CSC since 1975. Furthermore, political loyalty questions on the standard CSC application form are now abolished.[26]

Although it may be difficult to detect and forestall many future terrorist acts, detailed intelligence files on terrorist groups would provide law-enforcement agencies with information on the personal makeup, background, and goals of the terrorists. For example, a psychological profile of the terrorist could be invaluable in the conduct of hostage negotiations as portrayed in the Fourth of July scenario. But because of civil libertarians there is too little surveillance of potentially dangerous groups within the United States. In reaction to such pressures, the Washington, DC, police files on the Hanafi Muslim sect were destroyed in 1974, and police informants were withdrawn from the group.[27] Is it possible that with proper intelligence the police would have been alerted in time to prevent the thirty-eight-hour siege of terror which gripped the nation's capital in March of 1977? (This particular incident will be discussed in detail in Chapter 6.)

Abolition or Reduction of Internal Security Structures. The Internal Security Division of the Department of Justice was abolished in 1974 and reduced to a section within the Criminal Division. In the same year, a once important agency of the executive branch in the internal security field, the Subversive Activities Control Board, ceased to exist.[28]

Fewer Investigations. Under the Levi guidelines of 1976, the FBI is precluded from conducting surveillance of subversive groups unless there is an actual imminent threat. The fol-

lowing data illustrates the effect of this action. On 31 July 1973, the FBI had 21,414 domestic security investigations pending. By 24 February 1978 only 102 such investigations were pending (18 organizations and 84 individuals). In February 1978 FBI Director William H. Webster admitted that the FBI is "practically out of the domestic security field." This point was further emphasized by Sebastian Mignosa, Chief, FBI Domestic Security section, to the House Intelligence Evaluation Subcommittee on 31 July 1978. As of April 1981, only ten organizations, ranging from the Communist Workers Party to the Ku Klux Klan, and forty-seven individuals, were under FBI domestic security investigation.[29]

Abolition of Congressional Committees. In late 1978, the standing Subcommittee on Internal Security of the Senate Judiciary Committee was abolished. Since 1951, this subcommittee had provided a permanent legislative inquiry into revolutionary and subversive activities. Further, at the beginning of the 94th Congress in January 1975, the Committee on Internal Security was abolished. This committee's functions were transferred to the House Judiciary Committee. Although the House and the Senate Judiciary Committees have authority to investigate subversion, neither body has engaged in such investigations. The recently established Senate Subcommittee on Security and Terrorism, however, commenced hearings on 24 April 1981. It is investigating the "new threat" of terrorism that is, according to the subcommittee chairman, endangering freedom in the United States and elsewhere.[30]

On the State and Local Levels

Although most subversive and terrorist activity has called for state or local rather than federal response, in recent years police counterintelligence units throughout the United States have been seriously weakened in their efforts to deter and combat terrorist activity.

Sealing or Destroying Files. In Chicago court action, litigation by the far-left Alliance to End Repression has virtually paralyzed police intelligence activities. Authorities have

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sealed voluminous intelligence files. In Texas and Maryland, intelligence files have been destroyed. During 1973, the New York City Police Commissioner stated that at least 80 percent of the Department's Intelligence Unit files on public security matters had been purged. According to press reports, in New York and Los Angeles the membership of the Communist Party of the United States of America or the Trotskyist Socialist Workers' Party is no longer recorded in police files.[31] The problem arising from the lack of readily available intelligence files can be illustrated by the difficulty encountered by the New York Police Department.

In January 1975, the Puerto Rican Armed Forces for National Liberation (FALN) bombed a New York tavern, killing four people and injuring many others. During the investigation, the New York police had to go to other sources for intelligence. The department had been obliged to destroy its files on Puerto Rican terrorism suspects. Similar intelligence-gathering difficulties have severely restricted the District of Columbia Metropolitan Police. Currently, at the state level there is no functioning legislative committee charged with investigating subversive organizations. The last such body, a California State Senate committee, filed its final report in 1970.[32]

THE NEED FOR EFFECTIVE COUNTERINTELLIGENCE

Policymakers in the United States must consider extending the intelligence community's knowledge of known world-wide terrorist groups, especially those with a history and potential for involvement in transnational acts of terrorism, that present a potential threat to the security and well-being of the United States.

Terrorist violence, as discussed earlier, does not usually develop spontaneously. It typically grows in stages with the formation of a cadre. Cadre members then operate underground, establishing safehouses and clandestine communications links, and eventually they begin storing arms. Once underground, the organization is virtually impossible to

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penetrate. When a terrorist group strikes, policymakers need to know the profile and modus operandi of the group in order to respond appropriately. The present ability of the United States to provide such counterintelligence is debatable.[33]

Counterintelligence (CI) is perhaps the least understood component of intelligence. Yet CI is a prerequisite for an effective intelligence capability. Counterintelligence is both information gathered and activities conducted to protect against terrorist activities. After 1974 the 1947 National Security Act's prohibition of domestic law enforcement by the CIA was reinterpreted to mean that the CIA usually may not hold information about any activity by American citizens in the United States. No employee of the CIA may be involved directly or indirectly in an investigation of an American in the United States, except to assess his suitability as a source or as an employee of the Agency. This bureaucratic division of responsibility of counterintelligence between the FBI for domestic matters, and the CIA for foreign matters, was once a convenient and flexible division of labor. However, few CI cases are wholly domestic or foreign. Today, no agency in the US government has the complete file on, or has total responsibility for, most counterintelligence cases. In addition to jurisdictional problems, the intelligence community also has a problem in deciding which counterintelligence organizational structure, staff, or centralized line unit is the most effective. Even though both types have had success, the centralized line unit organization, on balance, seems to be the most efficient.[34]

What impact does the division of counterintelligence responsibility have in the fight against potential acts of domestic political terrorism? As an example, the FALN organization used in the illustrative scenario is composed substantially of Americans *and commits acts of terror within the United States.* Much of the preparatory activity for these acts, however, takes place in Cuba. The FBI does not have sources in Cuba; the CIA cannot hold information on the FALN's American suspects. The FBI and the CIA must therefore constantly hand off information, being careful not to violate the law—a very complex and somewhat tricky undertaking.

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By a process of correlation and analysis, information on terrorist groups such as the FALN must be gathered, developed, and made part of the overall intelligence base. Otherwise, the lack of good intelligence will result in a terrorist organization's first coming to US official notice with its commission of violence. As a result, the terrorists will have had time to plan their operation, assemble resources, and, more importantly, gain the element of surprise. The likely US response would be one of confusion, and perhaps overreaction. Policymakers' initial reaction to a major domestic terrorist incident and their subsequent decisions will be significant, affecting popular confidence and either inhibiting or fostering subsequent domestic terrorist acts. To cope effectively with terrorist acts, US counterintelligence operations must receive management leadership, have well-trained agents, and be integrated into the intelligence community.

Inasmuch as the terrorist chooses the time, location, and circumstances of his attack, he has the crucial advantage of surprise. Completely to protect all potential terrorist targets, of course, would impose intolerable burdens on both the economic and social structure of the United States. Thus, interdiction of the terrorist prior to his attack becomes a key element in a rational governmental response. Interdiction requires not only timely and accurate information about the activities of those directly involved in acts of terrorism, but also information about sympathizers who provide logistical assistance—for example, shelter, transportation, or equipment. The intelligence-gathering process, discussed at length earlier, is to discover such information. Of course, the more information available, the better the results will be.

THE US ANTITERRORIST PROGRAM AND THE ROLE OF INTELLIGENCE: AN OVERVIEW

As mentioned in Chapter 4, the Cabinet Committee on Terrorism and a Working Group of representatives from a number of federal agencies were created in 1972 by Presidential Review Memorandum 30. The memorandum granted authority to coordinate ongoing activity for the prevention of terrorism including the collection of intelligence. Even though

the working group met regularly and exchanged general or strategic information about terrorist trends and developments, the group did not exchange tactical information about specific individuals or groups, except on a bilateral basis.[35]

A 1976 study directed by President Carter to reassess US capability to respond to a terrorist incident acknowledged that the cabinet committee and the working group had been a good first step toward preventing terrorism. However, the study recommended that one agency be assigned authority to respond to a terrorist crisis situation and that a centralized data base on terrorist activities be created. As may be recalled, the coordinating function was transferred to the National Security Council. Steps to centralize the terrorist intelligence data base, unfortunately, were not taken. As a result, by the end of 1978 a number of federal agencies, including the Department of State, the Federal Bureau of Investigation, and the Defense Intelligence Agency, were systematically collecting data and creating their own intelligence files, but not contributing this information to a central data bank.[36]

This duplication of effort was compounded when US and Western European law-enforcement and national security officials agreed in late 1976 that an international terrorist data bank was not feasible because of the political issues involved. There was, however, a clear consensus that more information on terrorist activities was needed. The International Criminal Police Organization (Interpol), though active in assisting law-enforcement agencies once a criminal act has occurred, has limitations in its constitution which restrict antiterrorist intelligence activities. Thus, Interpol has proceeded cautiously in its involvement with law-enforcement activities to combat terrorism.[37]

Because of the charter limitations on Interpol, as well as the failure of efforts of the United Nations to deal with terrorism, a number of West European countries have begun approaching the terrorist problem on a regional basis. For example, several ad hoc groups have met to discuss antiterrorist intelligence activities. These activities include the NATO-based Kilowatt System; the Club of Bern that holds an-

nual meetings of the heads of intelligence branches of various European countries; occasional meetings of Ministers in Charge of Security in Switzerland, France, and Austria; and a group composed of intelligence representatives of the European Economic Community (EEC) members. There has also been informal utilization of relationships developed in the course of NATO and Interpol activities.[38]

In summary, establishment of an effective law-enforcement response to terrorism using intelligence sources poses difficult issues not only for the United States but for free nations of the world. To fashion such a response requires delicate balancing of two pairs of factors. First, the rights of individuals must be weighed against the need of all citizens for security. Second, a balance must be struck between the sovereignty of individual nations and the security provided by collective action.

TOWARD RESPONSIBLE INTELLIGENCE

Faced with the potential danger of more sophisticated acts of political terrorism, the American government will be remiss if it does not allow US intelligence agencies to conduct operations designed to serve US national interests. But can intelligence agencies serving a democratic government engage in counterintelligence activities without violating its members' constitutional rights? And if so, how can such activities be justified?

Contrary to the assertions of the anti-intelligence groups, a number of safeguards exist which preclude the intelligence community's encroaching upon the rights and freedoms of the American people. The first safeguard is the President, to whom the leaders of the American intelligence agencies are responsible. In addition, because of public allegations of massive misdeeds by the FBI and the CIA, Congress also maintains increased control over the intelligence services in five separate but associated areas: investigative, oversight, budget authorization and appropriation, legislation, and substantive. A third safeguard is the rigorous selection, training, and supervision of intelligence personnel that limits the possible

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abuse of authority. Finally, there is the threat of severe punishment for those within the intelligence community who would violate the law.[39]

To date, the need for domestic intelligence to curb terrorist activities versus the question of invasion of the constitutionally guaranteed rights of American citizens has received only cursory examination. Critical questions have not been addressed publicly or examined in depth, for example:

- What intelligence is needed?

- What timely process will allow intelligence to be transmitted through the governmental bureaucracy from data-gathering to the policymaking phase?

- What policymaker(s) will receive the intelligence?

- What emergency exceptions to democratic norms are required to enable intelligence operations to defend democracy?

- How should the various US intelligence agencies relate to each other in the battle against terrorists?

As to the question of justification, American intelligence activities, domestic or foreign, like all policy instruments, are designed to serve basic US national interests. Accordingly, domestic intelligence operations are essential and acceptable if they meet the three standards associated with the just-war theory. First, is the objective of the action just? In other words, a just war, and by extension intelligence activities, should not be undertaken for trivial motives or for inappropriate purposes. Second, are the means employed both just and appropriate? Just as excessive force in war, the killing of civilians and prisoners of war is wrong, there are abuses in intelligence operations, e.g., planting microphones on the unsuspecting. reading private correspondence, and compiling dossiers on the innocent. And finally, will the chances for justice be enhanced if the action succeeds? Regardless of how noble the end and just the means, military or political action is not justified if it does not provide for the security of the United States and pro-

tect the survival of our free institutions and fundamental values.[40]

In sum, by carefully weighing the potential threat, analyzing the nature of the problem, and determining the resources available, effective policy can be fashioned within the limits of the law to detect and prevent terrorist activities. From the perspective of intelligence, there are unanswered questions worth debating and reforms worth considering; for example:

- What is the most effective organization for the intelligence community?

- How can interagency jurisdictional problems be avoided?

- What degree of reasonable, responsible congressional oversight is needed to govern the broad policy of intelligence agencies? ·

- How do you educate the American public on plain truths that refute the so-called facts that anti-intelligence groups and news media have chosen to emphasize?

SUMMARY

Using intelligenc) sources to establish an effective law-enforcement response to terrorism poses difficult issues not only for the United States but fo.· other free nations of the world. To fashion such a response requires the delicate balancing of two sets of factors: individual civil rights against the right of all citizens to security, and the balancing of the interests of sovereign nations against the security provided by collective action.

The relationship between internal security and national defense was succinctly stated by Machiavelli who wrote: "There are two things a Prince should fear: internal subversion by his subjects, and external aggression by foreign powers."[41] The corollary of Machiavelli's words was that the

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Prince needed both a foreign and a domestic intelligence service.

This chapter has focused on the weakening of the internal American security system and the implications associated with acts of domestic political terrorism. The Department of Justice guidelines prohibit FBI investigations of subversive groups unless violence is actual or imminent. The guidelines ignore the history of revolutionary subversion whereby ideology invariably breeds violence over time. The Hughes-Ryan amendment has rather well scotched covert operations for the time being. The amended Freedom of Information Act and the Privacy Act have opened heretofore closed intelligence security files to public gaze and prohibited the government from keeping records on revolutionary and subversive groups. As a result, vital stores of information have become nonexistent. The Foreign Intelligence Surveillance Act prohibits the surveillance of most foreigners visiting the United States and requires intelligence agencies to destroy at once all electronic intercepts not obviously related to a violation of the law. Thus, the collection of information which may link significant intelligence findings is curtailed. Finally, with the decentralization of CIA counterintelligence in 1973 and the reduced authorization of the FBI to combat the problem of political subversion and terrorism, the United States does not have an effective counterintelligence capability.

The primary requirement for terrorist groups currently operating in the United States—as is true anywhere—is the development of a structure that is impervious to penetration by the society's defenders yet sufficiently flexible to enable them to exploit opportunities for surprise. Given the openness of American society, and the current constraints and limits on the intelligence community, political terrorists will continue to operate in the United States with increased efficiency and technological sophistication.

6. THE HANAFI MUSLIM INCIDENT: A CASE STUDY OF SUCCESSFUL HOSTAGE NEGOTIATIONS

THE INCIDENT AND ITS IMPLICATIONS

On 9 March 1977 in Washington, DC, twelve black militants of the self-styled Hanafi Muslims, armed with scimitars, pistols, rifles, and sawed-off shotguns, seized thirty-four hostages at three separate sites—the national headquarters of the B'nai B'rith, the Jewish social service agency; the Islamic Center; and the City Council chambers in the District of Columbia Building. During the subsequent 38-hour "reign of terror," the following events would unfold: a Washington, DC, news reporter would be killed; a security guard would be seriously wounded and die later of a heart attack; a city councilman's aide would be permanently paralyzed from a gunshot wound; a city councilman would be shot in the chest; and numerous other innocent victims would be assaulted. Before this act of terror could be terminated, the FBI, the State Department, three foreign ambassadors, and advisers to the President would become involved along with the District of Columbia Metropolitan Police in the negotiations to achieve a settlement.[1]

The case of the Hanafi Muslims is the first such political hostage seizure in the United States by ideologically motivated and organized terrorists.[2] The incident presents a valuable lesson in demonstrating the vulnerability of a large American city to the actions of a determined few. More importantly, it raises a serious question for policymakers: What would have been the outcome if the terrorists had been equipped with more sophisticated weapons, if their target had

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been the government itself, and if time had run out in the negotiation process?

A dual message may be drawn from the Hanafi terrorist siege. First, preventing acts of political terror altogether is virtually impossible, even if the most stringent security measures imaginable in a democracy such as the United States are enforced. Second, preparations can be made to deal with domestic terrorism to minimize the danger of a bloody outcome.

Important lessons may be learned from the Hanafi incident regarding hostage negotiation procedures and their policy implications in bargaining with political terrorists. But before delving into these lessons, it may be helpful to provide an overview of the incident to aid understanding of the full significance of this particular political act of terror.

BACKGROUND TO A REIGN OF TERROR

The first political hostage situation to occur in the United States was the brainchild of one Hamass Abdul Khaalis, then 54 years old, who has been described as an articulate, charismatic leader with a history of mental illness.[3] During the four years preceding this particular incident, Khaalis had brooded over the murders of seven members of his community—four children, two women, and one man—by Black Muslims, of which his self-styled Hanafis were a spin-off. The murders were committed after Khaalis had circulated a December 1972 letter to fifty-seven temples of the US-based rival Nation of Islam that denounced Elijah Muhammad, the spiritual leader of the Black Muslim Nation of Islam. Supposedly, a conspiracy within the Black Muslim hierarchy was behind the murders. This embittered the Hanafis.

Even though seven men were subsequently indicted for the murders, the Hanafis did not feel the trial was sufficient. Two of the seven men were acquitted; Khaalis was fined $750 for disrupting the trial proceedings. Khaalis viewed the handling of the case as the work of a "Jewish conspiracy" that he said ultimately controlled the Black Muslims. (Judge Braman who presided over the trail was Jewish.) In addition to the dis-

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appointment of the trial, Khaalis became upset when the Arab governments recognized Wallace Muhammad, successor to Elijah Muhammad, as the trustee and spokesman for all American Muslim organizations. Thus, the elements were established for Khaalis's act of terrorism. His targets were chosen based on the following rationale: B'nai B'rith because of his theory on Jewish control of the Black Muslims; the Islamic Center because of the involvement of the international Islamic community in supporting the Black Muslims; and the District of Columbia government because of what Khaalis regarded as failure of the government to mete out justice.[4]

After synchronized seizures of the three separate buildings, which completely surprised the Washington police and everyone else, Khaalis presented his demands. They were threefold. First, Khaalis demanded the suspension of showings of a motion picture staring Anthony Quinn entitled *Muhammad: Messenger of God*, which the Hanafis found offensive. Second, the Hanafi leader wanted reimbursement of the $750 fine imposed by Judge Braman. Third, Khaalis requested that the five Black Muslims who had been convicted of the murder of the seven members of his community be handed over to him, presumably for sterner justice. Otherwise, Khaalis insisted, the Hanafis would start beheading the hostages. In the course of subsequent negotiations, the first two of Khaalis's demands were met. The request for the Black Muslim killers, who were in federal prison, was not. Prior to surrendering, Khaalis made one additional demand: to be released on his own recognizance pending trial, which was approved.[5]

The majority of the hostage incidents that domestic law-enforcement officers have confronted over the years have been perpetrated not by political terrorists but by deranged or desperate people. Can the over-all success of US law-enforcement agencies in such incidents be dismissed as inapplicable to dealing with political terrorists?[6] This question makes the Hanafi case highly germane to my particular purpose. The Hanafis and the FALN scenario presented in this study are quite similar. Both were politically motivated, well-

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organized, and extremely violent acts underscored by personal vengeance. The demands of the FALN, however, are more complex, carry greater political implications, and involve more explicitly a host of domestic and international participants.

FOUR POINTS CONTRIBUTING TO TACTICAL SUCCESS

There are four main points to emphasize regarding the Hanafi incident. They may also provide insights into some aspects of the FALN scenario. First, the police response to the terrorist hostage incident was by the book—a controlled inner perimeter was established and manned by special police weapons teams with sharpshooters positioned in strategic locations within this perimeter. In addition, an external perimeter cordoned off the site. Finally, phone links with the terrorists were established at all three sites. But this particular incident was unique, a classic political terrorist operation, not the common hostage situation that police encounter with the deranged householder, estranged suitor, or cornered felon. The uniqueness resided in several factors: the terrorists had singular motivation and demands; they wanted to take hostages; they had chosen locations for political and symbolic reasons, reinforced by an underlying ideological commitment; and they had no apparent plan to obtain sanctuary on foreign soil.[7]

One of the basic tactics employed in the Hanafi incident by Washington, DC, law-enforcement authorities is now considered a standard operating procedure. Specifically, the police avoided the use of force. They even had the White House cancel a nineteen-gun salute for British Prime Minister James Callaghan, for fear of alarming the terrorists. Force was considered as a last resort. Preserving human life, including the lives of the twelve Hanafi Muslim terrorists, was the first consideration of the authorities in charge. To this end, law-enforcement authorities negotiated with the terrorists. The tactical objective of negotiations was to buy time—one of the most important factors favoring the police. Time allows the police an opportunity to prepare for various eventualities and increases the possibility the terrorist will eventually make a

strategic mistake. Thus, a successful conclusion to the situation may be reached.[8]

Successful negotiations with terrorists, however, depend on striking the appropriate note, that is, touching the concerns of the terrorists involved. It is essential for those conducting the negotiations to learn of and play upon the special fears of those driven to acts of terrorism. Basically, terrorists can be divided into three categories:

- Soloist. An individual who points a gun at a hostage's head and demands television cameras and reporters. The fear that this particular terrorist strives to escape is the emotion of embarrassment of being nothing and nobody. This individual would just as soon be momentarily in the headlines and dead as be alive and a nobody.

- Conspirators. This category includes most political terrorists. Grief is the glue that holds these individuals together. As such, they are afraid of further grief, for example, a lost homeland, a murdered family member.

- Groupist. Includes members of some environmentalist groups. This person is one concerned with shame and the future; that is, the shame of having failed to protect the water, air, or perhaps a loved one.[9]

Overreacting to hostage situations should be avoided. More can be accomplished, many feel, through negotiation than with snipers and assault teams. Escalated violence begets more violence and needlessly endangers all concerned. On the other hand, there are those who feel that terrorists gain sustenance from hostage situations. Clinical psychologists suggest, however, that the more time a terrorist spends with a hostage, the less likely is the terrorist to take the life of his hostage(s).[10] A twelve-hour ultimatum to meet terrorist demands, such as in the FALN scenario, however, may affect this thesis.

A typology of hostage-takers is reflected at Figure 6.1.[11] Both the Hanafi Muslims and the FALN, depicted in the illustrative scenario, would be classified as terrorist extremists.

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Figure 6.1

TYPES OF HOSTAGE-TAKERS

	PSYCHOLOGICAL			CRIMINAL			POLITICAL		
	Suicidal Personality	Vengeance Seeker	Disturbed Individual	Cornered Perpetrator	Aggrieved Inmate	Felonious Extortionist	Social Protestor	Ideological Zealot	Terrorist Extremist
WHO IS THE HOSTAGE TAKER?	An unstable hopeless depressed individual in crisis	An otherwise ordinary person who is a disaffected former associate	An acutely or chronically unbalanced individual	Potentially any criminal	A frustrated desperate leader who can organize other inmates	An unemotional cunning professional criminal	An idealistic educated young person	A fanatic programmed zealot	An individual willing to sacrifice himself for his political philosophy
WHAT IS HIS DISTINGUISHING CHARACTERISTIC OR SITUATION?	Doesn't care if he is killed	Is driven by an irrational single purpose	Manifest lack of judgement leading to an unsound assessment of reality	Is caught unaware with no prior plan for handling predicament	Is familiar with the setting grid on authority of overseers and his victims	Is knowledgeable about and respectful of police power	Is an exuberant celebrant in an uplifting group experience	Is willing to sacrifice himself for his beliefs	Has realistic assessment of impact of act
WHEN DOES HE TAKE THE HOSTAGE?	In a severe emotional decompensating state	After meticulous planning	When his aberrant mind seizes on the idea as a solution to his problem	In desperation when victims are available	After considerable planning or open tumultuously when pushed beyond endurance	While executing a carefully prepared plot	When he identifies the need to eliminate a social injustice	After he has sustained a wrong	When publicity potential is greatest
WHERE DOES HE COMMIT THE ACT?	In any place when his defenses fail	In a spot which brings him maximum satisfaction	In any setting	In the area in which he is trapped	In his own environment	In location of his selection	At the site of the unwanted entity or event or where the protest is most visible	Anywhere	Where victim is off guard
WHY DOES HE DO IT?	To cause someone else to fulfill his death wish	To gain revenge	To achieve mastery and to solve his problem	To effectuate escape	To bring about situational change or to obtain freedom	To obtain money	To create social change or social justice	To redress a grievance	To attain political change
HOW DOES HE TAKE THE HOSTAGE?	With irrational taunts	Through overt action or furtive behavior	In an improvised illogical manner	With weapon and as a reflexive response	With planned overpowering force	With a weapon in a calculated manner	In a group by massing a human thrust or blockade	With rebel like violent or nonviolent conduct	With emotional and violent execution of a crafty plot

With all the above emphasis on negotiation, however, it should be noted that domestic law-enforcement policy in dealing with terrorists directly conflicts with the official US government policy, which refuses to negotiate for the release of hostages. Past and present senior-level officials have publicly enunciated the policy that the government will not pay ransom, release prisoners, or otherwise yield to terrorist demands. To clarify this matter, the point has been made that authorities will talk with terrorists, inquiring into the well-being of hostages and appealing for their release on humanitarian grounds, but will not barter for tangible demands.[12]

The Hanafi incident illustrated a second major point—terrorists are not always willing to die if their demands are not met. The popular perception that terrorists are willing to die for their cause is not supported by Central Intelligence Agency data.[13] Still, in the Hanafi situation, the Washington, DC, police had to question whether past procedures would be successful in dealing with the Khaalis-led terrorist group. In retrospect, the police had limited options; the only realistic option was to do what they had been trained to do—institute the process of negotiation, establish contact and trust with the terrorist; barter for things that could be exchanged; and let time play its crucial role.[14] But the unanswered question is: What happens when time runs out?

Hostage tactics and negotiation (HTN) is a key element in law-enforcement training. All of the FBI's fifty-nine field offices have agents who have received special training at the FBI Academy in Quantico, Virginia. Training includes HTN rescue planning, mobilization and coordination of resources, decisionmaking, command and control, and psychological problems. The emphasis in such programs is on psychology. The key rule is to remain calm. It is not uncommon for about 75 percent of the officers seeking to attend hostage-negotiating courses to be turned down because they show signs of inability to handle the extraordinary stress of a hostage situation.[15]

A second basic tactic employed by the Washington law-enforcement authorities in dealing with the Hanafi terrorists

was patience, another accepted standard operating rule. To prolong negotiations deemphasizes confrontation with the terrorists and thus avoids a showdown.

My third point is best made in the form of a question: Why did or would the terrorist capitulate? What were the underlying reasons for Khaalis's surrender? There were several. First, Khaalis also had become a hostage. After two hours of negotiation, Khaalis blurted out that he did not want to go to jail, but home. Undoubtedly, his acceptance of death was no longer as firm as it initially appeared. Second, Khaalis had obtained prominent and voluminous publicity for his cause and for his grievances. The Hanafis were transformed overnight, via live television coverage and trans-Atlantic phone interviews, from a little-known group to the focal point of national and international media coverage. Finally, the Hanafis had lashed out at symbols representing the perceived sources of their grievances, and this provided a catharsis, and in some sense a political victory. Khaalis perhaps felt that not only had he won concessions from society at large but also a symbolic victory.

The fourth and final point to extract from the Hanafi incident is the importance of central control in negotiating with political terrorists. In this situation, the major strategic and tactical decisions resided with the District of Columbia Metropolitan Police (DCMP)—a highly trained and sophisticated body.[16] Similar successes may be expected from the New York and San Francisco Police Departments, as well as some of the other large city departments. What should be expected from a small Midwest department? Decisionmaking and jurisdictional authority over the entire Hanafi operation was with the DCMP. The case demonstrated that negotiating with terrorists can lead to a successful solution without the authorities' unduly compromising themselves or establishing precedents that would make more terrorist encounters more likely, or more difficult to manage.

NEGOTIATIONS WITH POLITICAL TERRORISTS: QUESTIONS OF STRATEGY AND POLICY

The significance of the points discussed is that well-reasoned, rationally defined negotiating strategies, feasible

options, and concerted action between federal and state authorities are essential elements that policymakers must consider in their efforts to improve the capabilities of the US government to deter, to combat, and, when required, to manage terrorist-induced crises. Once terrorist incidents occur, negotiations between terrorists and federal authorities become paramount. Policy responses will influence not only the speed of resolution of the crisis but the character of the solution as well. The policy of no concessions must be reconsidered.

In the FALN scenario, there is little doubt that negotiations with the terrorists would be undertaken. The importance of a skilled, well-versed negotiator in the early hours of such a situation would be essential. However, few if any of the medium-size towns of the United States would have the type of trained negotiators required to act as intermediaries until arrival of FBI personnel. Another question concerns whether subsequent negotiations should be conducted by a special presidential representative. If so, would he operate under a mandate of good faith based upon a list of maximum concessions that the United States could make? How would he buy time?

The US image of confidence, credibility, and firmness will play a major role in any negotiations with political terrorists. Therefore, one of the most essential tasks confronting policymakers will be to establish US objectives. Public pressure to secure the safe release of the hostages, of course, will be great. Others will opt to demonstrate that terrorism does not pay as an instrument of coercion and severe consequences await those who attempt to employ such tactics. In an attempt to conduct meaningful negotiations, or buy time with token concessions, would the news media, Congress, and public opinion support US policy or castigate the leadership for a lack of firmness? This is a complex question sure to arise.

How could the dialogue between the negotiator and the terrorist be broadened? Is there room for compromise and accommodation? Could limited concessions be offered? A skilled negotiator may be able to present several types of con-

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cessions. These might include safe passage out of the United States, modification of previous official statements or convenience concessions, promised under duress but which the US government will not grant once the hostages are safe. The latter of course has a risk of danger and raises the question of credibility. It is a high-risk option, but nevertheless worth consideration in a terrorist situation. Would consideration be given to granting the terrorist news-media space or time in exchange for the release of one or more hostages? There is a certain amount of useful intelligence to be gained in such a tradeoff. Or would this be ruled out as giving in to the terrorists? Where does the humanitarian appeal—release of children and female hostages—enter the negotiation process? Questions such as these have no simple answers. However, their anticipation may minimize the danger of disastrous endings to future acts of domestic political terrorism.

SUMMARY

In summary, the Hanafi Muslim incident demonstrated that a well-trained, well-equipped, and highly disciplined team can temporize a terrorist incident into failure. Yet this was accomplished in spite of a haphazard national policy, a poorly defined national strategy, and a complex counterterrorist bureaucracy beset with jurisdictional disputes and organizational problems. If this incident had occurred elsewhere, or presented further complexities, as in the FALN scenario, the tragedy could have been greater than it was. Thus, the Hanafi incident illustrates a successful police effort but also dramatizes the need for an improved national program.

The concluding chapter highlights policy issues and makes specific recommendations for improvement.

7. COPING WITH THE FUTURE: RECOMMENDATIONS FOR IMPROVEMENT

TWO BASIC QUESTIONS

Terrorism is not a wholly European-born disease but a problem that threatens both the less-developed countries and the affluent industrialized societies. The United States is no exception.

Prior to the seizure of the American Embassy in Tehran, neither the US government nor the American people, for the most part, fully appreciated the way in which a single terrorist incident could mesmerize a nation and divert its government. For the time being, the complacent view of terrorism has disappeared from the attitude of most concerned US officials. But it will behoove policymakers to remember that complacency soon returns, and that in the years ahead terrorism will remain a permanent feature of the international system.[1]

This study has posed a number of questions about acts of domestic political terrorism that may confront US policymakers in the remaining years of the 1980s. Perhaps within the US bureaucracy there are well-reasoned answers for many of these questions. On the other hand, maybe the right questions have yet to be addressed or answered.

This author's appraisal of current US policy, strategy, and bureaucratic organization to deal with the terrorist threat reveals an urgent need for improvement. International antiterrorist strategy so far has failed. Intelligence, upon which an adequate response might be made, has been crippled. United States policy has serious gaps and the present organizational structure designed to counter terrorist activity presents a con-

fusing tangle of jurisdictional problems rather than an effective means to deter or deal with such activity.

To defeat and deter terrorism, the United States must establish a credible, consistent, and rational strategy. Only with such a strategy can policymakers be confident. The key to such a strategy involves a thorough understanding of two basic questions presented in this study. What is the potential magnitude of the terrorist threat that can be directed against the United States? Is the United States prepared organizationally and psychologically to deal with major domestic political terrorist-induced crises?

REASONS FOR CONCERN

When compared to terrorist activities in Italy, Northern Ireland, and Spain, the United States does not now have a major terrorist threat. However, as discussed in Chapter 1, ample causes exist for a more widespread threat to emerge. Yet, because of the downward, but more violence-oriented, trend in terrorist activity in the United States since 1978, it is very appealing to argue that domestic terrorism poses a minimal threat.[2] Political reality dictates, however, that the manifestations of terrorism that have emerged in recent years and the inaction of the international community have opened the door for more sophisticated acts of political violence in the United States.

The complex interconnection among cities and states throughout the United States presents tempting targets to terrorist groups. Nuclear facilities, electrical power grids, energy transmission lines, telephone exchanges, sports stadiums, and computer facilities are targets whereon terrorists could inflict great losses in property or life at a single stroke. For the most part, terrorists in the United States have ignored such high-yield targets and attacked symbols of authority. Furthermore, in the past, terrorists have relied upon the traditional tools of the trade, bombs and guns. In time, however, increased terrorist weapons capabilities, such as precision-guided missiles, communications-jamming equipment,

remote-control detonators, and electronic devices to overcome physical security barriers, may compound enforcement authorities' tactical problems, and require assistance from the Department of Defense.[3]

The protection of political leaders, diplomats, nuclear facilities, and other choice marks will demand the allocation of more trained manpower and larger sums of money. Confronted with terrorist violence, and frustrated by the lack of international cooperation, US government officials may be torn between the need to increase controls and the suspension of some individual liberties. Nor can the possible need for more military training and equipment for police forces be discounted.

In sum, during the 1980s, terrorist tactics will continue to be a mode of political expression and a means of attracting world-wide attention. Such tactics will, for the most part, achieve limited political goals. However, it is not beyond the capability of contemporary terrorists to employ greater violence and destruction, if they perceive a decline in either their ability to attract attention or their coercive power.

GUIDING PRINCIPLES FOR NEW POLICIES

The normal American impulse after setbacks is to look fo. lessons learned. Thus, the Iranian experience—coupled with a new administration—has provided the impetus for a full-scale, government-wide policy review of the US antiterrorist program, which may result in many changes. The "don't tread on me"[4] attitude is not unwarranted or unexpected as a US reaction to the cancer of terrorism. However, in establishing new policies for dealing with future acts of terrorism, US policymakers must be guided by two principles.

First and foremost, the United States must make clear to all concerned, in actions as well as words, that it has the political will, resolve, and capabilities to stand behind the US pledge to fight terrorism. The commitment to swift and effective retribution against terrorism is long overdue. But the abili-

ty of the United States to back up its recent commitment by vigorous implementation is yet to be tested.

The second principle is that since the world is divided into more, smaller, poorer, and less-developed nations, the prospect of a basic change in the resolve of such countries to oppose terrorism will continue to depend upon how threatened they feel. In the years ahead, newly emerging countries, as well as other nations, will be more concerned with their own self-interests. Thus, regardless of how reluctant and hesitant other nations are to cooperate with the United States in preparedness measures, US policymakers should modify the multilateral worldwide efforts of the past in combatting terrorism and take a unilateral approach.

A recent conference assessed three earlier international conferences on terrorism that employed the technique of simulation, or gaming. The purpose of these three conferences was to attempt to advance understanding of strategic options in counterterrorist crisis management and to involve persons from different nations and different professional backgrounds in collaborative exercises. In each of the three scenarios, politically motivated terrorist groups killed, took credit for killing, and attempted to extract concessions from one or more governments. One conclusion of the assessment was that all three exercises were effective in involving a majority of participants, in generating tensions and conflict, and in illustrating significant problems of crisis management. But the simulations failed to evolve specific creative strategies.[5]

A PROPOSED STRATEGY: SOME CONSIDERATIONS

To assume that major acts of political terrorism will not occur in the United States is rash. It is essential that the United States have a coherent, well-planned strategy to combat domestic as well as international terrorism. Such a strategy, capable of swift implementation, must follow public policy statements of US response to terrorist acts, allow for contingencies, spell out limits of American patience, and specify punitive measures to be taken. If necessary, policymakers must

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be prepared to resist terrorism at home and abroad with military force, and to accept the risks.

In establishing a strategy against terrorism, the United States must guard against overreaction prompted by hysteria. Likewise, policymakers must refrain from the complacent views of the past. The development of a sound, credible, definitive strategy to combat and deter terrorism is possible and will not restrict policymakers' flexibility, as some may argue. Such a strategy will put terrorists on notice that their acts of violence will not be tolerated and that such activities carry a high probability of failure. Inasmuch as acts of terrorism, political or otherwise, are unpredictable, there is no way that intelligence agencies, even if current surveillance restrictions were removed, could predict in detail the intentions of terrorist organizations determined to carry out specific acts of terror. However, with a strategy that takes into account the potential terrorist threat and implements certain actions in advance, there is a great deal that the United States can accomplish.

SPECIFIC RECOMMENDATIONS

The following measures, although broad in scope, provide the basis from which more definitive actions might be developed and are offered as means to strengthen the US ability and capability to combat and deter future acts of domestic political terrorism. For the sake of clarity and organization, they are grouped functionally.

Policy Issues

- Establish within the policy community a greater awareness of and sensitivity to the implications of potential domestic terrorist acts and the type of decisions that may be required by federal and state agencies.

- Prepare a US position regarding limits of concession that may be used during meaningful negotiations with political terrorists.

- Initiate a clearly defined jurisdictional mandate for the newly established Senate Subcommittee on Security and Terrorism.

- Identify and prepare memorandums of understanding between federal and state agencies that will resolve potential areas of jurisdictional and operational conflict.

- Determine target hardening and security measures required of selective high-risk targets that may assist in precluding terrorist actions.

- Intensify US Customs Service entry procedures to bar persons with known or suspected affiliation with terrorist organizations.

- Define the Federal Emergency Management Agency's role in the consequence management of terrorism.

- Establish permanent liaison officers between federal agencies.

- Resolve potential legal constraints and limitations which may restrict and/or hinder the use of military forces in responding to acts of domestic terrorism.

- Reinstitute the security research files and index thereto of the US Civil Service Commission.

Organizational Structure

- Retitle the current US antiterrorist program in order to portray better the priority assigned to this aspect of internal and national security and the actual roles of departments and agencies.

- Create a small permanent staff within the Executive Office of the President to serve as the focal point for oversight of the US antiterrorism program.

- Eliminate the Special Coordination Committee, the Executive Committee on Terrorism, and the Working Group on Terrorism, to include current committees.

- Develop interdepartmental antiterrorism program planning and analysis, and response capabilities, within the Departments of State, Defense, Justice, Treasury, Transportation, and Energy, the Central Intelligence Agency, and the Federal Bureau of investigation.

- Restore the Internal Security Division of the Department of Justice.

Intelligence Requirements

- Allow intelligence agencies to develop more effective preventive intelligence with respect to terrorist organizations, for example:

  — Repeal those portions of Executive Order 12036 which restrict intelligence collection techniques and other intelligence functions.

  — Exempt intelligence agencies from the Amended Freedom of Information Act and the Privacy Act.

  — Modify FBI investigative restrictions by revising the Levi guidelines.

  — Reassess current limitations imposed on intelligence agencies by the Foreign Intelligence Surveillance Act which prohibit collection of positive intelligence.

- Establish a single joint congressional intelligence oversight committee to replace the numerous existing committees.

- Eliminate the bureaucratic division of counterintelligence (CI) files between the FBI and the CIA by establishing a central CI file.

- Seek more sophisticated methodology for performing terrorist-threat assessment.

Law-Enforcement Measures

- Exempt law-enforcement agencies from the amended Freedom of Information Act.

- Intensify counterterrorist law-enforcement training at the state level.

- Intensify counterterrorist training, under the supervision of the FBI, at all levels of government to include active, reserve, and National Guard units of the Army.

  — Maximize utilization of simulations and gaming exercises.

  — Allocate federal funds to state and local law-enforcement agencies to purchase modern equipment.

- Create joint federal and state counterterrorist task forces.

- Resist attempts to reduce the counterterrorist investigative arm of the FBI.

- Refine current empirical data base and security files to ensure the timely retrieval of information regarding politically motivated terrorist crimes, profiles of terrorist groups, their intentions, and potential targets.

Public-Affairs Matters

- Initiate a public awareness program on the nature of the potential terrorist threat, domestic implications, precautionary measures needed, and the potential of such incidents occurring.

- Establish predetermined guidelines, code of conduct, on how the news media and law-enforcement authorities will work together during a serious act of terrorism.

When US policymakers are confronted with future acts of domestic political terrorism, they must take a clear-cut, direct,

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and forceful stand. The decisions required may well entail se-
vere consequences. But such decisions must be made without
vacillation or apology.

In conclusion, this study shows that there is need for con-
tinued review and detailed scrutiny of a host of factors associ-
ated with the US antiterrorist program. It is hoped that the
material presented provides a road map for further examina-
tion of a highly complex and volatile phenomenon, which in
time may affect the overall security and well-being of the
United States.

NOTES

SCENARIO

1. For a discussion of this, see Brian Jenkins, "International Terrorism: A Balance Sheet," *Survival* (July/August 1975), p. 184.

2. "Filipino Middle Class Provides Recruits for War Against Marcos," *Washington Post*, 15 September 1980, p. A22.

3. "The Growing Danger of Terrorism in the US," *Business Week*, 24 December 1979, p. 61.

4. "Hoping the Bombs Have Stopped," *Time*, 21 April 1980, p. 25.

5. "US Indicts 11 in the F.A.L.N. in Chicago Bombings," *New York Times*, 11 December 1980, p. A31. At the time this news article was written, ten of the eleven terrorists were in custody after arrests in April in suburban Evanston, Illinois. Among the counts in the indictment is the rarely invoked charge of seditious conspiracy. Other charges are armed robbery, illegal use of weapons, and interstate transportation of stolen vehicles. It is estimated that the terrorist group comprises twenty-five to thirty-five persons.

INTRODUCTION

1. For the purpose of this study, political terrorism involves the waging of organized terror inside the United States by a group of individuals seeking specific objectives. Such acts would normally be directed against highly visible targets, rely on surprise, violence, shock, and publicity, and would entail serious consequences for society if terrorist demands were not met. For a sampling of the academic literature regarding definitions, theories, and variants of terrorism, see Paul Wilkinson, *Political Terrorism* (New York: Wiley Publishers, 1975), especially pp. 9–31; David Fromkin, "The Strategy of Terrorism," *Foreign Affairs* (July 1975), pp. 683–698; Jay Mallin, "Terrorism As A Political Weapon," *Air University Review* (July–August 1971), pp. 45–52; Martha Crenshaw Hutchinson, "The Concept of Revolutionary Terrorism," *Journal of Conflict Resolution*

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(September 1972), pp. 383–396; Brian M. Jenkins, *Security and Subnational Conflict Research Program*, (Santa Monica, Calif.: Rand Corporation, September 1980), especially pp. 3–4; Stephen Sloan, *Simulating Terrorism*, (Norman, Okla.: University of Oklahoma Press, 1981), pp. 11–18; Bard E. O'Neill, et al., *Insurgency in the Modern World*, (Boulder, Colo.: Westview Press, 1980), pp. 26–34; Richard H. Shultz, Jr., and Stephen Sloan (eds.) *Responding to the Terrorist Threat: Security and Crisis Management* (New York: Pergamon Press, 1980), pp. 1–2. The latter deals with political terrorism in a very succinct fashion which allows the concept to be divided into four specific categories based on location and perpetrators: international, transnational, domestic, and state terrorism.

2. For a sampling of current literature dealing with these concerns see, Michael Stohl, *The Politics of Terrorism* (New York: Dekker, 1979); Ernest Evans, *Calling a Truce to Terror* (Westport, Conn.: Greenwood Press, 1979); Brian Jenkins, *Terrorism In the United States* (Santa Monica, Calif.: Rand Corporation, 1980); Richard C. Clark, *Technological Terrorism* (Old Greenwich, Conn.: Derin-Adair Company, 1980); "Terrorists Closing Atom Gap, CIA Says," *Washington Post*, 28 May 1980, p. B15; Louis René Beres, *Terrorism and Global Security: The Nuclear Threat* (Boulder, Colo.: Westview Press, 1979); Ambassador Anthony C.E. Quainton, "Terrorism: Do Something! But What?" *Department of State Bulletin*, September 1979; Robert H. Kupperman and Darrel M. Trent, *Terrorism: Threat, Reality, Response* (Stanford, Calif.: Hoover Institution Press, 1979); *An Act to Combat International Terrorism*, Report of the Committee on Governmental Affairs, United States Senate, 96th Cong., 2d sess., 25 June 1980. Robert H. Kupperman, "Coping With Terrorism," *New York Times*, 18 March 1981, p. 27.

3. "Reagan Warns Against Future Terrorist Acts," *Washington Post*, 28 January 1981, p. A26. Israel cited President Reagan's comments to justify raids into southern Lebanon to attack Palestinian guerrillas. For details, see "Israel Cites Reagan Comment to Justify Raid," *Washington Post*, 30 January 1981, pp. A17 and A21. Don Oberdorfer, "Haig Calls Terrorism Top Priority" *Washington Post*, 29 January 1981, p. A4. For amplification of Haig's accusation see "No More 'Mr. Nice Guy' for Uncle Sam," *U.S. News & World Report*, 9 February 1981, p. 6. For insights into the role of that subcommittee, see "A Talk With Sen. Denton," *Washington Post*, 24 April 1981, p. A27.

4. For data on the 1970s, see *U.S. News and World Report*, 29 September 1980, p. 38. Statistics for 1980 obtained from 13 March 1981, "Special Assignments" report on international terrorism, ABC Pentagon correspondent John McWethy.

CHAPTER 1

1. A very comprehensive discussion of the process of terror is that by Colonel William D. Neale, USA (Ret.), "Oldest Weapon in the Arsenal: Terror," *Army*, August 1973, pp. 11–17. Neale's basic theme is that the skills of the terrorist have been enhanced by technological advances into a major weapon in international politics, whether wielded by governments or free-lance revolutionaries. He addresses terror as used by Stalin, Hitler, the *Front de Liberation Nationale* (FLN) and others. On trends in international terrorism since the early 1970s, see Paul Wilkinson, "Terrorism: The International Response," *The World Today*, (January 1978), pp. 5–6. An excellent treatment of common characteristics and similarities in the social origin, political philosophy, education, age, and family background of some eighteen revolutionary groups known to specialize in urban terrorism may be found in Charles A. Russell and Captain Bowman H. Miller, US Air Force, "Profile of a Terrorist," *Military Review*, August 1977, pp. 21–34.

2. The tactical success theme may be illustrated by two recent terrorist events. First the month-long kidnapping (December 1980 to January 1981) of Giovanni D'Urso, an Italian judge who was in charge of assigning jailed terrorists to prisons, by Italy's Red Brigades was a success from the standpoint of news media coverage. "Terrorists Say They'll Release Judge," *Washington Post*, 15 January 1981, p. A22. Tactical success is more prominent in the second example, the March 1981 hijacking of Flight 326 by three Pakistani terrorists. Three minutes before the threatened executions of three American hostages, Pakistani officials announced the following demands would be met: the release of fifty-five political prisoners in exchange for the safe release of 100 hostages, delivery of a $50,000 ransom, and asylum for the hijackers and the political prisoners. "Pakistan Reports Deal with Hijackers," *Washington Post*, 13 March 1981, p. A18.

3. International terrorist attacks fall primarily into five major categories: assassinations, kidnappings, bombings, attacks on and seizures of facilities, and hijacking. One of the more current and

comprehensive sources reflecting pertinent Central Intelligence Agency statistical data regarding these activities is US, Congress, Senate, *An Act to Combat International Terrorism*, Report of the Committee on Governmental Affairs, No. 96–831, (Washington: US Government Printing Office, 25 June 1980. Also see US, Central Intelligence Agency, National Foreign Assessment Center, *International Terrorism in 1979*, April 1980; and Brian Jenkins, *International Terrorism: Trends and Potentialities, A Summary of Conclusions*, Technical Report, Defense Technical Information Center, March 1976. (Cameron Station, Alexandria, Va.)

4. The number of incidents and casualties raises an interesting point about the interpretation of terrorist data. For example, fewer incidents of international terrorism occurred in 1972 than in 1970. However, two violent terrorist attacks occurred in 1972—the Lod Airport massacre in May and the Munich incident in September—which led many governments, including the United States, to undertake measures to combat terrorism. Furthermore, many people considered 1975 as the "year of the terrorist." Certainly that was the year of a number of dramatic and shocking acts of international terrorism, particularly in Western Europe. Spectacular effects were produced by: two attempts to shoot down airliners at Orly Field in Paris, the kidnapping of a candidate for mayor of West Berlin, the seizure of embassies in Stockholm, Kuala Lumpur, and Madrid, the Irish Republican Army bombing campaign in London, the assassination of Turkish ambassadors in Austria and France, the hijacking of a train in the Netherlands, the takeover of the Indonesian consulate in Amsterdam, and the seizure of the oil ministers at the Organization of Petroleum Exporting Countries (OPEC) Meeting in Vienna. Nevertheless, international terrorism—measured by the number of incidents and by the number of casualties—had in fact declined in 1975. Fewer incidents of terrorism occurred in 1975 than in 1973 or 1974; fewer persons were killed than in 1974. This line of reasoning is well presented in Brian Michael Jenkins, *Combatting International Terrorism: The Role of Congress*, (Santa Monica, Calif.: The Rand Corporation, January 1977), pp. 4–5.

5. Prepared statement of Brooks McClure, 9 November 1979, before the US Senate Committee on the Judiciary, FBI Charter Act of 1979, S. 1612, 96th Cong., 1st sess., p. 266. Brian Michael Jenkins, *Terrorism In the United States*, (Santa Monica, Calif.: The Rand Corporation, May 1980), pp. 2–3.

6. Remarks by William H. Webster, Director, Federal Bureau of Investigation, before the *Second and Third International Symposiums on Major Terrorist Incidents*, Quantico, Va., 19 June 1979, and 24 June 1980, pp. 1–2 respectively; *International Terrorism in 1979*, a research paper, National Foreign Assessment Center, Central Intelligence Agency, April 1980, p. 1. Webster's examples included the murder of Ambassador Dubbs in Afghanistan in February 1979, the assassination of Lord Louis Mountbatten by an explosive device placed aboard his yacht in Ireland in August 1979, and the machine-gun killing of two members of the US Navy in Puerto Rico in December 1979.

7. Clarence M. Kelley, "Message from the Director," *FBI Law Enforcement Bulletin*, May 1976, p. 1; *Intersearch*, 23 February 1979, p. 2; Melvin R. Laird, "Why We Need Spies," *The Reader's Digest*, March 1979, p. 90; Darrell M. Trent, "Terrorism: Threat and Reality," comments delivered before the Commonwealth Club of California, San Francisco, Calif., 20 October 1979, *Vital Speeches of the Day*, 15 November 1979, p. 82; Remarks by William H. Webster, Director, Federal Bureau of Investigation, before the *First, Second and Third International Symposiums on Major Terrorist Incidents*, Quantico, Va., 14 June 1978, p. 1; 19 June 1979, p. 2, and 24 June 1980, pp. 1–2, respectively. Richard E. Morgan, *Domestic Intelligence*, (Austin: University of Texas Press, 1980), pp. 138–139. "Liberals Seeking to Bury 'Anti-Terrorism'," *Washington Post*, 21 April 1981, p. A4. "Assault on Terrorism: Internal Security or Witch Hunt?" *Washington Post*, 20 April 1981, p. A11. Jenkins, *Terrorism in US*, pp. 3–4.

8. Jenkins, *Terrorism in US*, p. 8.

9. Ibid.

10. See *Research Gaps on Crisis Management of Terrorist Incidents*, C.A.C.I., Washington, DC, pp. 6–1 through 6–4 for a detailed discussion of ten major knowledge gaps in past and current research on terrorism. Also see Edward Mickolus, Edward S. Heyman, and James Schlotter, "Responding to Terrorism: Basic and Applied Research," pp. 174–189, for an excellent discussion of major terrorism research themes, in Richard H. Shultz, Jr., and Stephen Sloan, eds., *Responding to the Terrorist Threat: Security and Crisis Management* (New York: Pergamon Press, 1980).

11. For example, on 27 October 1975 between the hours of midnight and 3:00 a.m., ten FALN devices exploded in three cities—Chicago,

New York, and Washington. Approximately eighteen months later, 13 April 1977, seven incendiary devices—claimed by or attributed to the FALN—exploded within a space of sixteen minutes in three New York City department stores. FALN targets have included major corporations, governmental facilities, financial institutions, retail stores, and historical landmarks. The number of FALN terrorist acts are estimated at from sixty to eighty. "FALN Tied to 49 Blasts Since August 1974," *New York Times*, 20 February 1977, p. 33; "FALN Claims It Set Bombs on Saturday," *New York Times*, 12 April 1977, p. 23; Robert H. Kupperman and Darrell M. Trent, *Terrorism: Threat, Reality, Response* (Stanford, Calif.: Hoover Institution Press, 1979), p. 36; Webster, *Second International Symposium*, p. 3.

12. The Jewish Committee of Concern claimed responsibility for arson or firebombing attacks on the residence of five Egyptian nationals. The Jewish Armed Resistance, which was active in the New York City area, claimed credit for five bombings or firebombings in 1978. Webster, *Second International Symposium*, p. 5.

13. Melvin R. Laird, "Why We Need Spies," *The Reader's Digest*, March 1979, p. 90. Jenkins, *Terrorism in US*, pp. 9–10. Remarks by Webster, before the *Second International Symposium on Major Terrorist Incidents*, pp. 5–6. *Regional Risk Assessment: North America* (Alexandria, Va.: Risks International, Inc., August 1979), pp. 10–27. *Intersearch*, 17 March 1980, p. 1.

14. *Intersearch*, 17 March 1980, p. 1. Also, in 1978, anti-Castro Cubans accounted for the second largest number of terrorist incidents in the United States. Two of their more prominent Omega 7 acts included the October 1978 bombing of a sporting goods store across from Madison Square Garden in protest of the appearance of the Cuban boxing team, and the December 1978 bombing of the Cuban Mission and the Lincoln Center Concert Hall, both in New York. The latter incident was in protest against a performance of Cuban musicians. In March 1979, this organization planted a bomb in a TWA baggage terminal. Webster, *Second International Symposium*, p. 5.

15. Webster, *Second International Symposium*, pp. 5–6. In March 1981, six American Nazis and supporters were arrested on charges of conspiring to stage a series of terrorist attacks in the event that a group of Ku Klux Klansmen and Nazis were found guilty of murdering five leftist demonstrators in 1980. A federal indictment charged the six with conspiring to blow up a large petroleum storage facility, a chemical fertilizer plant, a shopping mall, and part of downtown

Greensboro, North Carolina, with dynamite and a napalm-like sub-stance. "Six Arrested in Bomb Plot," *Washington Post*, 3 March 1981, p. A4. During the period February through March 1981, an av-erage of one terrorist incident a month—bomb threats, actual bomb-ings, attempted assassinations—was directed against US Army recruiters. The Public Affairs Office for the Army Recruiting Com-mand Headquarters, Fort Sheridan, ill. suggests that the rash of ter-rorist activity is related to the February trial in Chicago of 10 members of the FALN. Randal Shoemaker, "Recruiters Now Terror-ist Targets," *Army Times*, 30 March 1981, p. 3. On 21 December 1980, two pipe bombs, apparently planted by Puerto Rican terrorists, exploded in a Penn Station waiting room. "Two Pipe Bombs Explode in Penn Station Lobby," *Washington Post*, 22 December 1980, p. A2.

16. *Terror Watch*, June 1980, p. 3. Although statistically insignificant at this time, terrorist operations by or on behalf of foreign interests have occurred in the United States. For example, on 18 December 1980, five men linked to a world-wide Croatian terror conspiracy were arrested in the New York area and Bridgeport, Conn., on charges relating to assassination and bombing plots. "Five More Ar-rested on Charges Linked to Croatian Terrorism," *Washington Post*, 19 December 1980, p. A3.

17. Jenkins, *Terrorism in US*, pp. 3–4. Also see Brian Jenkins, "Fighting Terrorism: An Enduring Task," *Washington Post*, 1 Febru-ary 1981, p. C7. It is interesting to note that at the end of 1977 a Harris survey revealed that 90 percent of the US public viewed ter-rorism as a very serious world problem and 60 percent as a very se-rious domestic problem. The survey also revealed that the US public favored extreme measures in dealing with terrorists: 90 percent fa-vored the development of commando teams, 80 percent favored the termination of airline service to and from countries that harbor terror-ists; more than 50 percent supported the organization of a special world police force which would operate in any country of the world and would investigate terrorist groups, arrest them, and put their leaders and members to death. Cited in Darrell M. Trent, "Terrorism: Threat and Reality," comments delivered before the Commonwealth Club of California, San Francisco, Calif., 2 October 1979, *Vital Speeches of the Day*, 15 November 1979, p. 81.

18. Kristina Ketherina was arrested on 20 July 1978 in Vermont after attempting to cross over from Canada on foot. Three additional

members of the Baader-Meinhof Gang reportedly tried to cross the border but returned to Canada after being questioned by border police. For details, see Charles Babcock, "Suspected German Terrorist Arrested Crossing US Border," *Washington Post*, 21 July 1978, p. A1. "Guerrilla-Style Training of Klansmen Alleged in Seven States. Including Va.," *Washington Post*, 24 October 1980, p. A-29.

19. Remarks by William H. Webster, Director, Federal Bureau of Investigation, to the *Third International Symposium*, Quantico, Va., 24 June 1980, p. 5.

20. Jenkins, *Terrorism In US*, pp. 16–17.

21. "Fearful Nixon Pressed Weatherman Search," *Washington Post*, 17 October 1980, p. A10.

22. Clarence M. Kelley, "Message from the Director," *FBI Law Enforcement Bulletin*, May 1976, p. 1. Bailey Morris, "Won't Give in to Terrorism, Carter Reasserts," *Washington Star*, 14 January 1980, p. 1. Secretary Vance statement before the Senate Committee on Governmental Affairs, 23 January 1978. Published in *Department of State Bulletin*, March 1978, "Terrorism: Scope of the Threat and Need for Effective Legislation," p. 53. Interview with Anthony C.E. Quainton, "Lessons of London's Victory Over Terrorists," *US News and World Report*, 19 May 1980, p. 45. Remarks by William H. Webster, Director, Federal Bureau of Investigation, to the *Third International Symposium On Terrorism*, Quantico, Va., 24 June 1980, p. 5. Karen De Young, "El Salvador: Where Reagan Draws the Line," *Washington Post*, 9 March 1981, p. AI.

CHAPTER 2

1. For an excellent discussion of US crises between 1946 and 1975 which utilize these four variables, see Leo Hazlewood, John J. Hayes, James R. Brownell, Jr., "Planning for Problems in Crisis Management," *International Studies Quarterly*, March 1977, pp. 75–106.

2. Prepared statement of 12 September 1978 of Robert H. Kupperman, Ph.D., Chief Scientist, US Arms Control and Disarmament Agency, *International Terrorism: Legislative Initiatives*. Hearings and markup before the Committee on International Relations and its Subcommittee on International Security and Security and Scientific Affairs, House of Representatives, 95th Cong., 2d sess., p. 42. (Washington: US Government Printing Office, 1978).

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CHAPTER 3

1. Quoted in Lewis Hoffacker, Special Assistant to the Secretary of State, "The US Government Response to Terrorism," *Vital Speeches of the Day*, 15 February 1975, p. 266.

2. Ibid., p. 268.

3. US, Congress, Senate, Report of the Committee on Governmental Affairs, *An Act To Combat International Terrorism*, 96th Cong., 2d sess., 24 June 1980 (Washington: US Government Printing Office, 1980), p. 19. Statement of 16 August 1978 by Deputy Attorney General Benjamin R. Civiletti, US, Congress, House, *Federal Capabilities in Crisis Management and Terrorism, Hearings before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary*, 95th Cong. 2d sess. (Washington: US Government Printing Office, 1978), pp. 28-29.

4. Information regarding this concept has been borrowed from *The United States Government Antiterrorism Program: An Unclassified Summary Report*, prepared by the Executive Committee on Terrorism for the Special Coordination Committee, National Security Council, June 1979, pp. 2-4, 7. Also refer to Civiletti, *Federal Capabilities*, p. 29.

5. This is an excerpt from the statement of Ambassador Anthony Quainton, Director, Office for Combatting Terrorism, 15 September 1978, in *Federal Capabilities in Crisis Management and Terrorism*, p. 58. At the time of this testimony a Memorandum of Understanding between the State Department and FAA on overseas hijacking involving American carriers was also in preparation.

6. *US Government Antiterrorism Program. Unclassified Summary Report*, pp. 7-8.

7. Ibid., pp. 8-9.

8. *Act to Combat International Terrorism*, 1978, p. 20. At the time of this act, June 1980, the Senate had decided against recommending this reorganization in view of the fact that President Carter's US antiterrorism program was in effect. For an excellent summary of the cabinet-level council, refer to the 19 July 1978 testimony of Representative Jim Lloyd, US, Congress, House, *International Terrorism, Hearings before the Subcommittee on Aviation of the Committee on Public Works and Transportation*, on H.R. 13261, 95th Cong. 2d sess., pp. 61-63. Congressman Lloyd suggested the council be

composed of the Secretaries of State, Defense, Transportation, and Treasury. Additional members would include the Attorney General, the US Ambassador to the United Nations, the Director of the CIA, the Director of the FBI, and the Assistants to the President for Domestic and National Security Affairs. Also refer to US, Congress, Senate, *An Act to Combat International Terrorism*, Report of the Committee on Governmental Affairs, accompanying S.333, 25 June 1980, p. 20, for rationale as to establishing a coordinating council within the Executive Office of the President. Also see Brian Michael Jenkins' 27 January 1978 testimony, US, Congress, Senate, *An Act to Combat International Terrorism, Hearings before the Committee on Governmental Affairs*, 95th Cong. 2d sess., on S.2236, 1978, pp. 10–11.

9. Numerous congressional hearings have heard testimony regarding the lead agency concept. For example, see 19 July 1978 testimony of Ambassador Anthony Quainton, Director, Office for Combatting Terrorism, Department of State, US, Congress, House, *International Terrorism, Hearings before the Subcommittee on Aviation of the Committee on Public Works and Transportation*, 95th Cong. 1st sess., p. 46. Also refer to US, Congress, Senate, *FBI Charter Act of 1979, S.1612, Hearings before the Committee on the Judiciary*, 96th Cong. 1st sess., 24, 25 October; 2, 9, 15, 16, November 1979; 14 January 1980, pt. 2, p. 219.

10. *The United States Government Antiterrorism Program, An Unclassified Summary Report*, p. 2.

11. This information is extracted from *The United States Government Antiterrorism Program*, p. 13–14. For a general discussion of current federal government organization and functional responsibilities and the various roles US agencies play in combatting terrorism, refer to *Act to Combat International Terrorism*, pp. 19–26.

12. The Bonn Declaration of July 1978, for example, is the first multilateral enforcement mechanism against countries that condone acts of terrorism. However, this declaration does not have treaty or agreement status. In July 1978, seven industrialized nations, including the United States, agreed to take action against states refusing to extradite or prosecute aircraft hijackers. The declaration was reaffirmed in June 1979. Between July 1978 and June 1980, a total of fifteen (five US) hijackings occurred that were considered to be within the framework of the Bonn Declaration. In seven of these incidents (three US), the hijackers were either prosecuted or extradited; *Act to Combat In-*

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ternational Terrorism, p. 3. Also see Yonah Alexander, Marjorie Ann Browne, and Allan S. Nanes, eds., *Control of Terrorism: International Documents* (New York: Crane, Russak & Company, Inc., 1979), for a comprehensive collection of major treaties from the early twentieth century on terrorism, the international and regional treaties currently in force, and resolutions of major international governmental organizations.

13. Civiletti, *Federal Capabilities*, p. 28. Similar information may be found in *US Government Antiterrorist Program*, p. 11.

14. *US Government Antiterrorist Program*, p. 11.

15. Ibid., pp. 10–11.

16. The FBI considers terrorist activity to mean activity involving a violent act that is dangerous to human life or risks serious bodily harm or one involving aggravated property destruction, for the purpose of coercion or intimidation. The Bureau's description goes on to say that such purpose is to be accomplished wholly or in part in violation of a criminal law of the United States or of a state. US, Congress, House, *A Bill to Create a Charter for the Federal Bureau of Investigation, and for Other Purposes*, H.R. 5030, 96th Cong., 1st sess., 31 July 1979, pp. 7, 12–13.

17. *Federal Capabilities in Crisis Management and Terrorism*, pp. 29, 59.

18. Ibid., p. 29.

19. *US Government Antiterrorist Program*, pp. 12–13.

20. *Federal Capabilities in Crisis Management and Terrorism*, p. 29.

21. *US Government Antiterrorist Program*, p. 13. The US Army is the executive agent of the Department of Defense in coping with terrorist activities. The Army considers such incidents as civil disturbances and as such directs its main emphasis toward hostage-defense operations. Department of the Army, *Countering Terrorism and Other Major Disruptions on Military Installations*, Army Regulation 190–52 (Washington: Government Printing Office, 15 June 1978). On the question of the Posse Comitatus Act, see Title 18, United States Code, section 1385 (1970). For an excellent discussion of the thesis that counterterrorism is basically a police function at which regular military units are inept and that special, full-

time units and training are needed, see "Four Rules for a Successful Rescue," Captain Bruce P. Schoch, *Army*, February 1981, pp. 22–25. A detailed discussion of the limitations on the use of military force may be found in Kenneth E. Roberts, *Terrorism and the Military Response*, Strategic Studies Institute, US Army War College, Carlisle Barracks, Pennsylvania, 14 October 1975.

22. *US Government Antiterrorist Program*, p. 14. As a result of the potential danger associated with nuclear terrorism, it should be noted that the Department of Energy (DOE) maintains a capability to assess the credibility of nuclear threats. Scientists are mobilized with specialized equipment to locate, identify, diagnose, and disable radioactive nuclear devices that may be explosive or dispersive in intent. Teams are commonly referred to as "NEST"—Nuclear Emergency Search Teams. The DOE also provides nuclear hazards assessments and assistance in radiation containment.

23. In discussing these five protection and security agencies, I have drawn heavily from *US Government Antiterrorist Program*, sec. E, pp. 17–18.

CHAPTER 4

1. The word *bureaucracy* is used broadly here to mean any organization characterized by: task specialization, explicit rules, centralized authority, and established routines. In short, any organization where each member has his own task to perform, that operates by standard operating procedures, which has a chain of command, and where activity follows established patterns, fits this definition. The term is not a slur. For a series of articles that provide an overview of US bureaucratic behavior on defense policymaking, see John E. Endicott and Roy W. Stafford, Jr., eds., "The Theory of Bureaucratic Decisionmaking," chapter 5, pp. 204–253 in *American Defense Policy* (Baltimore: The Johns Hopkins University Press, 1977).

2. These points are adapted from the statement of Deputy Attorney General Benjamin R. Civiletti, US, Congress, House, *Concerning the Federal Government's Capability for Responding to a Domestic Terrorist Incident, Hearings before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary*, 95th Cong., 2d sess., on *Federal Capabilities in Crisis Management and Terrorism*, 16 August 1978, p. 31.

3. Anthony C.E. Quainton, "US Antiterrorism Program," *Department of State Bulletin*, July 1980, p. 75.

4. "Reagan Warns Against Future Terrorist Acts," *Washington Post*, 28 January 1981, p. A26.

5. Steve R. Pieczenik, "Terrorist Policy: It Could Scare You to Death," *Washington Post*, 15 February 1981, p. C4. Mr. Pieczenik resigned from the Department of State in November 1979 over the handling of the Iranian hostage crisis.

6. Ibid.

7. Ambassador Anthony C.E. Quainton, Director of the Office for Combatting Terrorism, "U.S. Antiterrorism Program," *Department of State Bulletin*, July 1980, p. 75. Senator Jeremiah Denton, "Amid Echoes of Past, Hearings Begin on 'New Threat' of Terrorism," *Washington Post*, 25 April 1981, p. A7.

8. For a more detailed discussion of these problems, refer to Brian Michael Jenkins' testimony, US, Congress, Senate, *An Act to Combat International Terrorism, Hearings before the Committee on Governmental Affairs*, 95th Cong., 2d sess., 7 January 1978, especially pp. 119–20. On the question of news media coverage, see Civiletti, *Federal Capabilities in Crisis Management and Terrorism*, pp. 5–19.

9. Richard Clutterbuck, *Guerrillas and Terrorists*, (Athens, Ohio: Ohio University Press, 1980), pp. 13–21. Dr. Clutterbuck contends that guerrilla warfare and terrorism, rural or urban, internal or international, has become the primary form of conflict for our time.

10. Robert H. Kupperman, "Coping With Terrorism," *New York Times*, 19 March 1981, p. 27. Dr. Kupperman argues that the United States has not yet experienced the full potential of international terrorism and is unprepared, therefore, to absorb the impact of such acts of terrorism because of current attitudes, and lack of organization and contingency planning. Kupperman also believes that identical root-basis remedial problems are presented by railroad strikes, fuel strikes, earthquakes, and terrorist attacks. Even though their physical character many differ greatly, to the crisis manager—who must allocate resources and is constrained by time, logistics, and politics—the problem is the same. Prepared statement of Robert H. Kupperman, Ph.D., Chief Scientist, US Arms Control and Disarmament Agency, US, Congress, House, Committee on International Relations, *International Terrorism: Legislative Initiatives, Hearings*

before the Subcommittee on International Security and Scientific Affairs, 95th Cong., 2nd sess., 12 September 1978, p. 48.

11. Jenkins, *Act to Combat International Terrorism*, p. 119. The question of a DOD military liaison officer was put by Senator Charles H. Percy to David E. McGiffert, Assistant Secretary of Defense for International Security Affairs, by letter of 2 March 1978, in conjuncton with a number of other questions regarding the threat of terrorist activities. In response to Senator Percy, McGiffert stated that he and Ambassador Heyward Isham, former Director of the State Department Office for Combatting Terrorism, believed that since the DOD and JCS are represented on the SCC Executive Committee and the Working Group, there is enough coordination and interaction to make unnecessary the assignment of a military liaison officer. Senator Percy's letter and McGiffert's reply are reflected on pp. 207–208 of Jenkins, *Act to Combat International Terrorism*. Even though military response to terrorist incidents is a small part of day-to-day operations, the assignment of a permanent DOD liaison to State has a great deal of merit, especially such assignment as a member of the crisis task force.

12. J. Bowyer Bell, *A Time of Terror* (New York: Basic Books, Harper & Row, 1978), pp. 128–129.

13. As a result of the 1975 LaGuardia bombing, President Ford issued a public statement condemning this act, as well as directing federal agencies to conduct an extensive review of airport security. Source document, Darrell M. Trent, "A National Policy to Combat Terrorism," *Policy Review* (Summer 1979), p. 45.

14. Jenkins, *Act to Combat International Terrorism*, p. 127.

15. Statement of Ambassador Anthony C.E. Quainton, Director, Office for Combatting Terrorism, Department of State, US, Congress, Senate, *FBI Charter Act of 1979, 51612, Hearings before the Committee on the Judiciary,* 96th Cong., 1st sess., 9 November 1979, pt 2, p. 218.

16. Jenkins, *Act to Combat International Terrorism*, p. 124. A great deal has been written about the conflict over roles and missions, particularly when they seem at variance with organizations' basic goals, influence, autonomy, and budgets. A succinct treatment of this problem is that by Morton H. Halperin, Priscilla Clapp, and Arnold Kanter, "Organizational Interests," in Endicott and Stafford, eds., *American Defense Policy,* pp. 207–223.

17. W. Ronald Olin, "An Evaluation of the United States Counter-Terrorism Response Capability," *The Police Chief*, June 1979, p. 36. As of April 1981, ten organizations and forty-seven individuals were under FBI domestic security investigation. Based on experience of terrorist acts in the United States during the preceding three years, the FBI recommended at a 20 February 1981 Senate subcommittee hearing that a reduction of twenty-one permanent positions in its terrorism unit be made—one of the bureau's biggest personnel cuts in its then $743.5 million budget. "Assault on Terrorism: International Security or Witch Hunt?" *Washington Post*, 20 April 1981, p. A11.

18. Olin, "Counterterrorism Response Capability," p. 36. Also see US, Congress, Senate, *An Act to Combat International Terrorism, Report of the Committee on Governmental Affairs*, 25 June 1980, p. 22 (Washington: US Government Printing Office, 1980); Richard H. Shultz Jr., and Stephen Sloan, eds., *Responding to the Terrorist Threat: Security and Crisis Management* (New York: Pergamon Press, 1980), especially pp. 41–45.

19. US, Congress, Senate, Committee on Governmental Affairs, *Reorganization Plan No. 3 of 1978, Establishing a New Independent Agency, the Federal Emergency Management Agency, Report No. 95–41*, 95th Cong., 2d sess., 23 August 1978, p. 2.

20. For an excellent discussion regarding FEMA's role in dealing with the consequences of terrorism see Trent, "National Policy to Combat Terrorism," pp. 47–53. Also refer to Robert H. Kupperman and Darrell M. Trent, *Terrorism: Threat, Reality, Response*, (Stanford, Calif.: Hoover Institution Press, 1980), especially pp. 168–71.

21. US, Congress, Senate Committee on Governmental Affairs, *Proceedings of the Subcommittee on Intergovernmental Relations, The Disaster/Preparedness Reorganization Plan*, 20 June 1978, p. 8.

22. Trent, "National Policy to Combat Terrorism," p. 52.

23. Kupperman, *International Terrorism: Legislative Initiatives*, pp. 42–43.

24. Ibid., p. 47.

25. David Fromkin, "The Strategy of Terrorism," *Foreign Affairs* (July 1975), pp. 692–94. Ernest Evans, *Calling a Truce to Terror: The American Response To International Terrorism* (Westport, Conn.: Greenwood Press, 1979). Harold D. Lasswell, "Terrorism and

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the Political Process," *Terrorism*, Vol. 1, nos. 3 and 4, 1978, p. 258. Lasswell suggests that in talking of terrorist strategy, we are concerned with those in the political process who strive for political effects by the arousal of acute insecurities.

26. Richard H. Schultz, Jr., "The State of the Operational Art: A Critical Review of Anti-Terrorist Programs," in Shultz and Sloan, *Responding to the Terrorist Threat: Security and Crisis Management*, p. 42; Kupperman and Trent, *Terrorism: Threat, Reality, Response*, p. 128; National Advisory Committee Task Force on Disorders and Terrorism, US Department of Justice, Law Enforcement Assistance Administration, *Report of the Task Force on Disorder and Terrorism*, 1976. Statement of 9 November 1979 by Ambassador Anthony C.E. Quainton, Director, Office for Combatting Terrorism, Department of State. *FBI Charter Act of 1979*, p. 217.

27. Jenkins, *Act to Combat International Terrorism*, 1978, p. 128.

CHAPTER 5

1. The first line of defense is a popular theme in the studies of terrorism. For example, see the 12 September 1978 statement of Robert H. Kupperman, Ph.D., Chief Scientist, US Arms Control and Disarmament Agency. US, Congress, House, Committee on International Relations, Subcommittee on International Security and Scientific Affairs, pp. 42–44. Hearings on *International Terrorism: Legislative Initiatives*. Also see Raymond P. Siljander, *Terrorist Attacks: A Protective Service Guide for Executives, Bodyguards, and Policemen*. (Springfield, Ill.: Charles C. Thomas, Publisher, 1980), p. vii.

2. Richard K. Betts, "Analysis, War and Decision: Why Intelligence Failures Are Inevitable," *World Politics* (October 1978), p. 61.

3. Melvin Laird, "Why We Need Spies," *The Reader's Digest*, March 1979, p. 2.

4. Statement of Ambassador Anthony Quainton, Director, Office for Combatting Terrorism, US Congress, House, *Hearings Before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, Federal Capabilities In Crisis Management and Terrorism*, 95th Cong., 2d sess., 15 September 1978, p. 57.

5. Remarks by William H. Webster, Director, Federal Bureau of Investigation, before the *First International Symposium on Major Ter-*

rorist Incidents, Quantico, Virginia, 3 June 1978, pp. 6-7. Similar ideas were also expressed by Judge Webster at subsequent symposia, June 1979 and June 1980. The preventive policy concept is developed in depth in *Seaford House Papers*, 1979, Arthur Peers, ed., pp. 11-12. On the question of collection and dissemination, see Ambassador Anthony C.E. Quainton, "Terrorism: Do Something! But What?" *Department of State Bulletin*, September 1979, p. 60

6. At the time this study was written, *Executive Order 12036*, "United States Intelligence Activities," 24 January 1978, governed the collection and dissemination of intelligence. President Reagan subsequently issued E.O. 12333 on 4 December 1981, revoking E.O. 12036. The pivotal intelligence source for the US government on the subject of international terrorism is the Central Intelligence Agency. The Defense Intelligence Agency also plays an essential role in the effort to combat international terrorism. Attempts to obtain hard, useful, precise intelligence on this form of violence present both agencies with complex and difficult problems. *An Act To Combat International Terrorism*, Report of the Committee On Governmental Affairs, United States Senate, 25 June 1980. 96th Cong., 2d sess., Report No. 96-831, pp. 22-23. Miles Copeland, *Beyond Cloak and Dagger: Inside the CIA*. (New York: Pinnacle Books, 1975), pp. 82-83. Lt. Gen. Eugene F. Tighe, Jr., USAF, Director, Defense Intelligence Agency, "Military Intelligence," *Defense 81*, March 1981, pp. 1-9.

7. In March 1976, the Justice Department, under Attorney General Edward H. Levi announced new permanent guidelines for the conduct of FBI counterintelligence. Illegal entry and harassment of suspect groups was banned. In addition, while groups involved in violence or illegal behavior to overthrow the government could be investigated, such surveillance thenceforth had to be related to the actual or imminent commission of violence. Thus, long-term surveillance of revolutionary groups (based on the premise that revolutionary ideology breeds violence) is prohibited. These guidelines—taken in conjunction with Section K(7) of the Privacy Act, 1974—decisively circumscribe the surveillance of potential terrorist organizations within the United States. Levi's guidelines, in their entirety, may be found in Morton H. Halperin and Daniel Hoffman, *Freedom versus National Security*, (New York: Chelsea House Publishers, 1977), p. 321-325. For a current discussion of the guidelines, see T.R. Reid, "Secret Service Chief Stresses Need for Better Intelligence Capability," *Washington Post*, 12 April 1981, p. A3.

8. For a detailed discussion of this position, see Arnold Beichman and Roy Godson, "Legal Constraints and Incentives," especially pp. 286–288 in *Intelligence Requirements for the 1980's: Counter-Intelligence*, Roy Godson, ed., National Strategy Information Center, Inc., Washington, 1980. Also see Samuel T. Francis, "The Intelligence Community," especially pp. 931 and 938, in *Mandate for Leadership*, Charles L. Heatherly, ed., The Heritage Foundation, Washington, 1981; Richard E. Morgan, *Domestic Intelligence*, (Austin: University of Texas Press, 1980), p. 149. For an opposing view which interprets the guidelines as sound, permitting sufficient freedom of action to the FBI, and still guaranteeing civil rights effectively, see statement of Deputy Attorney General Benjamin R. Civiletti, *Concerning the Federal Government's Capabilities for Responding to a Domestic Terrorist Incident*, hearings on Federal Capabilities in Crisis Management and Terrorism, 16 August 1978, p. 30, before the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary, 95th Cong., 2d sess.

9. For an excellent discussion of the role the intelligence process plays in law-enforcement policy and strategy see Justin J. Dintino and Frederic T. Martens, "The Intelligence Process: A Tool For Criminal Justice Administrators," *The Police Chief*, February 1979, pp. 60–65. Both men are law-enforcement officers with the New Jersey State Police and have extensive experience in the area of police intelligence. Another concise but informative discussion dealing with this process is Wayne A. Kerstetter, "Terrorism and Intelligence," *Terrorism*, vol. 3, (New York: Crane, Russak & Company Inc., 1979), pp. 109–115.

10. Siljander, *Terrorist Attacks*, p. 4, advocates these methods but points out that many intelligence-gathering activities are frustrated by restrictions which place a greater importance on the rights of criminals to terrorize than on the rights of law-abiding citizens to live free from unwarranted, violent, and destructive attacks.

11. Francis, "Intelligence Community," pp. 931 and 940.

12. Samuel Halpern, "Clandestine Collection," p. 44 in *Intelligence Requirements for the 1980's: Elements of Intelligence*. Edited by Roy Godson, National Strategy Information Center, Inc., Washington, DC, 1979. Francis, "Intelligence Community," p. 938.

13. Peers, *Seaford House Papers*, pp. 16–20. For additional insights into these phases, see Ernest W. Lefever and Roy Godson,

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The CIA and the American Ethic, (Washington: Georgetown University, 1979), pp. 5–7; Francis, "Intelligence Community," pp. 903–1076.

14. Since 1974, Congress has gained an expanded role in overseeing the intelligence activities of the US government. Congressional attention centers upon five concerns: investigation, oversight, budget review, quality of analysis, and legislation. For a comprehensive treatment of these concerns, see Thomas K. Latimer, "US Intelligence and the Congress," *Strategic Review*, Summer 1979, pp. 47–56. On Congress and foreign intelligence see Lefever and Godson, *CIA and American Ethic*, pp. 19–66; and Nathaniel Sheppard Jr., "Chicago Balks at Proposal to Limit Police Spying on Political Activists," *New York Times*, 7 January 1981, p. A14.

15. Sheppard, "Chicago Balks," p. A14. Richard E. Morgan, *Domestic Intelligence* (Austin: University of Texas Press, 1980), p. 162.

16. One advocate of this particular argument is Stanley J. Garber, the newly appointed New York City Corporation Counsel. Garber asserted that a proposed agreement whereby surveillance operations would be kept within the law restricting political spying on individuals and organizations would unreasonably hinder the police. Sheppard, "Chicago Balks," p. A14.

17. US, Congress, House, H.R. 5030 *A Bill "To create a charter for the Federal Bureau of Investigation, and for other purposes."* 31 July 1979, pp. 14–25. Regarding natural impulse, no organization better illustrates this phenomenon than the National Security Agency which makes available significant bits of its new technology to domestic intelligence and ordinary law-enforcement agencies. Morgan, *Domestic Intelligence*, p. 132.

18. President Ford issued Executive Order 11905 on 18 February 1976; President Carter issued Executive Order 12036 on 28 January 1978. President Reagan issued E.O. 12333, which revoked E.O. 12036, on 4 December 1981.

19. Following press allegations of massive illegal activities by US intelligence services, both the Senate and House established committees to investigate and study intelligence activities of the United States. Committees were chaired respectively by Senator Frank Church and Representative Otis Pike. In 1976, both committees recommended permanent follow-on committees to monitor the activities

of intelligence services continually. Latimer, "US Intelligence and the Congress," p. 48.

20. Herbert J. Spiro, "A New Foreign Policy Consensus?" *Washington Papers*, No. 64, 1979.

21. For a detailed treatment, see Roy Godson, "The Role of Pressure Groups," in Lefever and Godson, *CIA and American Ethic*, especially pp. 69–90. Also Norman L. Smith and Donovan Pratt, "Counterintelligence Organization and Operational Security in the 1980's," in Godson, *Counter-Intelligence*, p. 236.

22. Professor Earl Latham uses the term prescriptive publicity as a form of public notice which is intended to instruct and deter. See Latham, *The Communist Controversy in Washington* (Cambridge: Harvard University Press, 1966), pp. 381–382; 386. Referenced in Rees, *The Crisis in United States Intelligence*, footnote 19, p. 9. A sampling of the literature dealing with these legislative and executive curbs includes: Lefever and Godson, *CIA and American Ethic*, pp. 23–27; Halperin and Hoffman, *Freedom Versus National Security*, pp. 115–120; Francis, "Intelligence Community" pp. 937–938; Latimer, "US Intelligence Congress," pp. 47–55; Rees, *Crisis in United States Intelligence*, pp. 9–12.

23. *Crime Control Digest*, "IACP Meeting Looks at FBI Charter, Intelligence Gathering and Tax Reform Act Problems," 4 February 1980, p. 9. Chief Dominelli was also critical of the Tax Reform Act of 1976 which prevents investigators from obtaining intelligence from the Internal Revenue Service, and bail reform, which allows conspirators to be free while investigators hobble through case-building investigations.

24. Roy Godson, "Congress and Foreign Intelligence," especially pp. 28–30 and p. 80 in Lefever and Godson, *CIA and American Ethic*. Also, Newton S. Miller, "Counterintelligence," in Godson, *Elements of Intelligence*, pp. 62–63.

25. A similar rationale is presented by Richard Clutterbuck, political science professor at the University of Exeter, England, and author of numerous books on terrorism. The likelihood of being caught is the best deterrent to terrorism, Clutterbuck argues. He cites 746 kidnappings in the United States, 1934–64, and a 90-percent arrest factor as to why the United States has so few kidnappings, *Intersearch*, 9 March 1979, p. 1

26. Statement of Alan K. Campbell, *The Erosion of Law Enforcement Intelligence and its Impact on the Public Security,* Hearings, US Senate Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, 95th Cong., 2d sess., 9 February 1978. See Rees, *The Crisis in United States Intelligence,* p. 13, footnote 23.

27. "The 38 Hours: Trial by Terror," *Time,* 21 March 1977, p. 20.

28. Francis, "Intelligence Community," p. 937.

29. Rees, *Crisis in United States Intelligence,* p. 13; testimony of Sebastian Mignosa, US, Congress, House, Subcommittee on Evaluation, Permanent Select Committee on Intelligence, 95th Cong., 2d sess., 31 July 1978. In responding to Representative John Ashbrook, Mignosa admitted no one in the agency dealt with subversive organizations that come under the Loyalty and Security Program. "Assault on Terrorism: Internal Security or Witch Hunt?" *Washington Post,* 20 April 1981, p. A11. Secret Service Director H. Stuart Knight, in regard to the 30 March 1981 shooting of President Reagan, stated that the Levi guidelines have reduced by 60 percent the quantity of information coming to the US Secret Service from the FBI. John Simpson, an Acting Secretary at the Department of Justice, subsequently stated that some changes will be made to the guidelines, although they could be minor. "Secret Service Chief Stresses Need for Better Intelligence Capability," *Washington Post,* 12 April 1981, p. A3.

30. The Chairman of the Senate Judiciary Committee, Senator James Eastland, who had a long-standing interest in internal security, retired in late 1978. He was replaced by Senator Edward Kennedy. Francis, *The Intelligence Community,* p. 936. Lefever and Godson, *CIA and American Ethic,* especially pp. 33–40. "Amid Echoes of ᐳast, Hearings Begin on 'New Threat' of Terrorism," *Washington Post,* 25 April 1981, p. A7. The chairman of the new subcommittee is Senator Jeremiah Denton (R, Ala.).

31. Rees, *Crisis in United States Intelligence,* p. 14.

32. Ibid.

33. Francis, *Intelligence Community,* pp. 939–941. For a discussion of urban terrorist organizational structure see John B. Wolf, "Organization and Management Practices of Urban Terrorist Groups," *Terrorism,* vol. 1, (New York: Crane, Russak & Company Inc., 1978), especially pages 172–176.

34. Roy Godson, ed., *Intelligence Requirements for the 1980's: Counter-Intelligence*, p. 1. This is an excellent book dealing with a range of issues pertinent to counterintelligence. For a more detailed definition of counterintelligence see Executive Order 12036, "United States Intelligence Activities," 24 January 1978. On the question of division of responsibility of counterintelligence see Francis, *Intelligence Community*, pp. 931–932. For an excellent discussion of the merits and effectiveness of the two types of counterintelligence organizations, the staff versus the centralized line unit, see Smith, in Godson, *Counter-Intelligence*, pp. 213–227.

35. Wayne A. Kerstetter, "Practical Problems of Law Enforcement," in *Legal Aspects of International Terrorism*, Alona E. Evans and John F. Murphy, eds. (Lexington, Mass.: Lexington Books, 1978), pp. 545; 551.

36. Ibid., p. 545. Kerstetter, "Terrorism and Intelligence," p. 111, especially footnote 10.

37. Kerstetter, "Practical Problems of Law Enforcement," pp. 543–547. Article 3 of the Interpol Constitution forbids the organization's undertaking any part in activities of a political, military, religious, or racial character. *Constitution and General Regulations of the International Criminal Police Organization (Interpol)* as adopted by the 25th session of the General Assembly at Vienna, Austria, in 1956, and modified in 1962, 1964, and 1967.

38. Kerstetter, "Terrorism and Intelligence," p. 113.

39. Donovan Pratt, "Counterintelligence Organization," in Godson, *Counter-Intelligence*, p. 236.

40. This is a modified conceptual analogy initially presented by Lefever, "Intelligence and the American Ethic," especially pp. 13–17, in Lefever and Godson, *CIA and American Ethic*. Also see Michael Walzer, *Just and Unjust Wars*, (New York: Basic Books, Harper & Row, 1977), especially pp. 197–206. Walzer argues that the increasing use of terror represents the breakdown of the political code and laws of war established in the 19th century; in its modern manifestation terror is the totalitarian form of war and politics.

41. Machiavelli, *The Prince*, (London: Penguin Classics Edition, 1963), p. 103.

CHAPTER 6

1. Two excellent sources regarding the Hanafi incident appear in *Terrorism*, vol. 2, (New York: Crane, Russak & Company, 1978). They are: Maurice J. Cullinane, "Terrorism—A New Era of Criminality," pp. 119–124; Abraham H. Miller, "Negotiations for Hostages: Implications from the Police Experience," pp. 125–146. For a more detailed discussion of the incident see, "Seizing Hostages: Scourge of the '70s," *Newsweek*, 21 March 1977, pp. 16–25; "The 38 Hours: Trial by Terror," *Time*, 21 March 1977, pp. 14–20; "Behind the Siege of Terror in Washington," *U.S. News and World Report*, 21 March 1977, pp. 19–23. Also see the *New York Times* and the *Washington Post* issues of 10, 11, 12 March 1977; the *Wall Street Journal*, 14 March 1977, p. 16. Both the *Times* and the *Post* covered subsequent aspects of the incident in follow-on articles throughout the month of March 1977.

2. A comprehensive treatment of hostage incidents, 1785 to February 1981, may be found in "Hostage Incidents: Examples in Modern History," *Department of State Bulletin*, March 1981, pp. 23–28. Miller, "Negotiations for Hostages," p. 126.

3. Khaalis was born in Indiana as Ernest McGee. He was discharged from the Army in World War II on grounds of mental instability. Khaalis rose to a trusted position within the Black Muslim sect but broke from this organization in 1958, subsequently forming the Hanafi sect in the mid-1960s. In 1968, he was arrested for trying to extract money from a bank, but charges were dismissed when he was found to be mentally disturbed. "The 38 Hours: Trial by Terror," *Time*, 21 March 1977, p. 17.

4. Miller, "Negotiations for Hostages," pp. 127–129.

5. *Time*, "The 38 Hours," p. 17. Miller, "Negotiations for Hostages," pp. 133–134, 141, 143–144. The effort to free the hostages was in the hands of the FBI and local police, under the command of DC Police Chief Maurice Cullinane. Six other men joined Cullinane in the night-and-day negotiations: Deputy Police Chief Robert Rab; Nick Stames, Chief of the FBI's Washington field office; FBI agent Pat Mullany; Ambassadors Ashraf Ghorbal (Egypt), Sahabzada Yaqub-Khan (Pakistan), and Ardeshir Zahedi (Iran). After assembling a psychiatric profile of Khaalis, the FBI feared that he might carry out his threat of beheading the hostages if his enemies were not brought to him. One FBI official commented at the time: "It's the worst situation we've ever had."

6. The New York Police Department has recorded 400 negotiated hostage episodes without a death. Miller, "Negotiations for Hostages," p. 145. Between 1974 and 1977, the San Francisco Police Department faced 15 major hostage incidents and saved all the victims without firing a shot. "How to Play the Waiting Game," *Time*, 21 March 1977, p. 18. Also, see "The Delicate Art of Handling Terrorists," *Newsweek*, 21 March 1977, pp. 25–27.

7. I have borrowed these four points from Miller, "Negotiations for Hostages," pp. 132–138. For a discussion of the checklist approach to hostage negotiations, see Stephen Sloan, *Simulating Terrorism*. (Norman, Okla.: University of Oklahoma Press, 1981), pp. 95–106.

8. "You Can Prepare for Urban Terror—But Not Prevent It," *US News and World Report*, 21 March 1977, p. 23. Also, see Cullinane, "Terrorism," pp. 122–123. It is beyond the scope of this study to examine the potential use of military force in responding to domestic acts of political terrorism. This issue, however, would pose difficult choices and decisions for policymakers. Limitations and problems would include: legal considerations regarding the Posse Comitatus Act and Department of Defense directives, delineation of areas of responsibility, and the traditional suspicion and fear of the military and its role in US society.

9. The categorization is extracted from the Newsletter of the International Terrorist Research Center, *Intersearch* 2: (9 February 1979): 1–2. It was compiled by Dr. David Hubbard, a Dallas psychiatrist who specializes in the psychology of terrorism.

10. Ibid. Robert Kupperman, *Crime Control Digest*, 31 March 1980, p. 10. Israel maintains a policy of not negotiating with terrorists. The policy is often referred to by captured terrorists as "surrender or die." Miller, "Negotiations for Hostages," p. 130.

11. The typology presented was constructed by Dr. Irving Goldaber, sociologist and IACP consultant, whose area of study is social conflict and violence. See his article for further details: "A Typology of Hostage-Takers," *The Police Chief*, June 1979, pp. 21–23. For a systematic and analytical examination of political terrorism, also see Richard Shultz, "Conceptualizing Political Terrorism: A Typology," *Journal of International Affairs*, (Spring/Summer 1978), pp. 7–15.

12. For example, former Secretary of State Kissinger, cited in Robert A. Fearey, "International Terrorism," *Department of State Bulletin*, 29 March 1976, p. 397. Also, the Director of the Office for

Combatting Terrorism, Ambassador Quainton, "Terrorism: Do Something! But What?" *Department of State Bulletin*, September 1979, p. 62. The Reagan administration is on record as refusing to negotiate with terrorists. "Pakistan Reports Deal With Hijackers," *Washington Post*, 13 March 1981, p. A18. Miller, "Negotiations for Hostages," p. 130.

13. According to CIA Project ITERATE, only 1.2 percent of all transnational terrorist missions undertaken between 1968 and mid-1974 could be categorized as suicidal. Another 35.4 percent of all missions depicted the terrorists as possessing a willingness to die but a preference not to. In 62.8 percent of terrorist missions, elaborate escape plans had been built in. ITERATE was designed and executed by Edward Mickolus, Yale University. For further explanation see Miller, "Negotiations for Hostages," p. 132; Miller's footnote 5, p. 145.

14. Miller, "Negotiations for Hostages," p. 133. Chief Cullinane stated that in all of his years with the Washington police, he had never been involved in a hostage situation where negotiation was not the best approach to solving the problem. Cullinane, "Terrorism," p. 120.

15. Programs include classroom discussions and field exercises. Programs in the past have involved a reenactment of the Munich hostage incident and the seizure of a bus by terrorists, and moving a public figure through several states in a motorcade. One of the more recent hostage tactics and negotiations workshops for federal. state, and local police officers was conducted in Winchester, Virginia, 4–8 May 1980 by Richard W. Kobertz and Associates. *Crime Control Digest*, 21 April 1980, pp. 5–6. Also, see "How to Play the Waiting Game," p. 18.

16. Professional law-enforcement agencies are by virtue of their responsibility for public safety and security the primary response capability against terrorist activities. However, a former President of the International Association of Chiefs of Police, Wilson E. Speir, believes that the basic network of data exchange and world-wide crisis management training necessary to combat terrorist threats are extremely weak, and in some cases nonexistent. "Terrorism: An Acceptable Challenge," Colonel Wilson E. (Pat) Speir, President, IACP, Director, Texas Department of Public Safety, Austin, Texas, *The Police Chief*, December 1978, p. 8.

CHAPTER 7

1. For a discussion of the predictions of European officials regarding terrorism in the United States and their perceptions of a complacent US attitude toward the problem of terrorism, see Brian Michael Jenkins, *Terrorism in the United States*, (Santa Monica, Cal.: The Rand Corporation, May 1980), pp. 1-2.

2. In testimony before the Senate, Mr. Paul E. Nugent, Unit Chief, Terrorism Section, FBI, acknowledged the downward trend in terrorist activity in the United States. However, Nugent emphasized that the problem has not diminished to the point that there should not be concern and investigation of such activity. US, Congress, Senate, *FBI Charter Act of 1979, S1612, Hearings before the Committee on the Judiciary*, 96th Cong., 1st sess., 9 November 1979, pp. 218, 226-227.

3. In the United States, targets that offer extensive effect for low-risk attack have not escaped terrorist attacks totally. For example, in October 1974, the Governor of Oregon contemplated calling out the National Guard to protect power lines to Portland when three transmission towers were toppled and eight others attacked in an extortion attempt. Also, in 1969, a member of the Students for a Democratic Society (SDS), Cameron Bishop, demolished four electrical transmission towers that were considered vital to national defense. Bishop was subsequently convicted of three counts of sabotage. Several cases illustrate the use of major modern weaponry by terrorists. A hand-held Soviet SA-7 surface-to-air missile launcher was in the possession of a number of Palestinians arrested in the vicinity of the Rome Airport in September 1973. The rockets were reportedly to be used against the aircraft of the US Secretary of State. In 1974, a US light antitank weapon was reportedly used in the unsuccessful attack on a West Coast police station. British mercenaries have been reportedly training Al Fatah frogmen in navigation, diving, and demolition at their camp at Ras Hilel, Libya. *Research Gaps on Crisis Management of Terrorist Incidents*, C.A.C.I., Washington, DC, pp. 5-6, 5-7, 5-8.

4. This Revolutionary War slogan is addressed by Philip Geyelin, "Memo To Sen. Nunn," *Washington Post*, 20 February 1981, p. A15, as a starting point for Senator Sam Nunn's applause for President Reagan's and former Secretary of State Haig's comments on international terrorism. In order to enhance the US ability to respond with

"swift and effective retribution," Senator Nunn has suggested better intelligence, more sophisticated military means under clear command and control, and strengthening domestic law-enforcement agencies. Nunn also cautions against developing a siege mentality.

5. Paper written by Frank M. Ochberg, M.D., used at Rand Corporation Conference, *Terrorism and Beyond: An International Conference on Terrorism and Low-Level Conflict*, 8–12 September 1980, Santa Monica, California. The assessment was of conferences conducted in West Berlin in November 1978, Washington, DC, in May 1979, and in Tel Aviv in July 1979. In the Berlin simulation, a Popular Front for the Liberation of Palestine (PFLP) terrorist group used a lethal organic toxin in several public places theoretically killing a number of citizens in a fictitious European democracy. Subsequent demands involved policy change, prisoner release, and monetary payment. The Washington plot was fictional. In a mythical continent, a radical antinuclear organization attacked a nuclear reprocessing plant located on a river between two sovereign nations. Security guards were killed, hostages were taken, and an implication of eventual nuclear sabotage was part of the extortion. The Tel Aviv gaming was less fictional. Real nations were posited in the skyjacking of a TWA flight by Palestinian and German terrorists to Tehran. Demands included prisoner release and monetary payment.

GLOSSARY OF ACRONYMS

Note: Some acronyms appearing in the text are omitted here because they are universally familiar, e.g., USA for US Army.

CI	Counterintelligence
CIA	Central Intelligence Agency
CPUSA	Communist Party, United States of America
CSC	Civil Service Commission
DCMP	District of Columbia Metropolitan Police
DIA	Defense Intelligence Agency
DOD	Department of Defense
DOE	Department of Energy
DOT	Department of Transportation
ECT	Executive Committee on Terrorism
EEC	European Economic Committee
FAA	Federal Aviation Administration
FALN	*Fuerzas Armadas de Liberación Nacional* (Armed Forces of National Liberation)
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
FISA	Foreign Intelligence Surveillance Act
FLN	*Front de Liberation Nationale* (National Liberation Front: Algerian)
FOIA	Freedom of Information Act
FPS	Federal Protective Service
HTN	Hostage Tactics and Negotiation
IACP	International Association of Chiefs of Police
INS	Immigration and Naturalization Service

PREVIOUS PAGE IS BLANK

Interpol	International Criminal Police Organization
MOU	Memorandum of Understanding
MWU	Militant Weather Underground
NATO	North Atlantic Treaty Organization
NSC	National Security Council
NWLF	New World Liberation Front
OPEC	Organization of Petroleum Exporting Countries
PFLP	Popular Front for the Liberation of Palestine
SAC	Special Agent in Charge
SCC	Special Coordination Committee
SDS	Students for a Democratic Society
SOAR	Special Operations and Research (Unit)
SSCI	Social Sciences Citation Index
SWAT	Special Weapons and Tactics
TRABDU	Terrorism Research and Bomb Data Unit
WGT	Working Group on Terrorism

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